THE MIND OF A TORTURER **A.J. LANGGUTH**

THE NATION

JUNE 24, 1978 *60 cents*

Foreign Policy for Freshmen
BRZEZINSKI LECTURES THE CABINET
The Nation *Releases*
A White House Memorandum

Dobbins, Boston Herald Traveler

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LETTERS

to make the horror real

North Hollywood, Calif.

There was an unprecedented motif of despair threading through the excellent issue of *The Nation* [May 27]. It was most explicit in the closing lines of Sidney Lens's "Thirty Years of Escalation," a compelling documentation of the disaster ahead which will "sooner or later lead us to Doomsday." Yet, like the other contributors, he is driven to conclude—with the optimism so compulsive with the American Left—that "The present generation will have to bestir itself, as the last generation did against the war in Vietnam—only more so."

Just how this reversal of lunatic dynamics can be brought about Mr. Lens does not make less murky than the hope to which he clings. (To qualify even the wish, it should be noted that there was no effective opposition to the war in Vietnam until *after* U.S. defeat was inevitable and domestic bankruptcy in all areas discernible. Plus increasing pressures from abroad.) What is imperative is decisive action *now*, to preclude the certain interventionism, "brush fires" and "police actions" leading to a major war. . . .

The absence of such braking factors needs no belaboring here. Apart from the fragmented and feeble Left, our society and its leadership, political and economic, has bought the evil myths of a growth-size-progress value system, a wondrous technology with no compass, the fetishism of commodities, "national security," an imperialist struggle with the USSR for world hegemony—with characteristic sanctimoniousness. These delusions being self-evident, at least to *Nation* readers, what are the possibilities?

Least likely is that Carter will be born once again and replace his sinister Svengali Brzezinski with Richard Falk or Daniel Ellsberg—and that the other great powers, including the USSR, will likewise change hawks for doves.

The only other circumstance promising hope of true change—in time—has its ghastly aspects (as indeed Vietnam did): a general awakening and overwhelming protest resulting from a *domestic* nuclear accident destroying a large American city such as Los Angeles, Chicago or Washington . . . making the horrific realities manifest to everyone surviving. It would be a bitter price to pay, but unless Billy Graham's prayers can effectuate a less expensive one there seems to be no alternative. *John Bright*

the CIA and the scholars

Lawrenceville, N.J.

While public attention has focused on sensational misdeeds of the CIA, very little has been said about another aspect of CIA activities which can be extremely harmful to this country. I refer to CIA influences in our leading academic institutions. Senator Church's committee, after stating that it was "disturbed" by its findings (which included occasional participation by academics in propaganda) wrote that "it is the responsibility of private institutions and particularly the American Academic Community to set the professional and ethical standards of its members. . . ." (*Academe*, June 1976.)

Recently some Ivy League colleges have been reported to permit faculty members to work for the CIA when the deans of their departments approve the topic. In view of close contacts between some university administrations and the CIA, with the latter's intermixture of basically incompatible functions of intelligence and propaganda, there can be no assurance that this measure alone will be effective.

Prof. Norman Birnbaum's recent recommendation [editorial, *The Nation*, April 1] should be expanded to prohibit any intelligence agency from participating in or administering propaganda and covert activities. Then the academic community could find it easier to prohibit as unethical any contacts between its members and institutions engaged in propaganda. . . . *Gregory P. Tschebotarioff*

Variations CALVIN TRILLIN

I'm sorry that the editor of *The Nation*, one Victor Navasky, didn't ask me to participate in the symposium on publishing he ran in the June 3rd issue. I have a lot of ideas on the subject, many of them acquired in the course of doing research for a book I have been working on for many years—*An Anthology of Authors' Atrocity Stories About Publishers*. (So far, I have failed to find a publisher for the book, despite a friend of mine having improved the original idea considerably by proposing that the anthology be published as an annual.) I suppose Navasky thought that my only idea for reform of the publishing industry was the one I mentioned to him some years ago, when he was writing a column himself—before he wised up and became an editor. That idea was in the form of a simple regulation to be adopted by the industry: The advance for a book must be larger than the check for the lunch at which it was discussed.

At the time, as I remember, the publishers said my proposed regulation was unrealistic. What Navasky has failed to realize is that since the last time we discussed the subject I have figured out how to effect this and many other necessary reforms whether the publishers find them realistic or not—through the simple vehicle of New York City ordinances. Because the publishing industry is concentrated in Manhattan, its activities could be regulated by the City Council in the same way that taxi rates or building permits are regulated. I realize that any hint of regulation would cause the publishers to threaten a mass move to New Jersey—the way the Wall Street crowd threatened to move to New Jersey when the city hinted about imposing what amounted to a parasite tax on stock-and-bond transactions—but the threat would obviously never be carried out. Where would publishers eat lunch in New Jersey?

Some of the ordinances would be simple consumer protection. Any person furnishing a blurb for a book jacket, for instance, would be required to disclose his connection to the author of the book. A one-sentence parenthetical identification, supported by an affidavit filed in triplicate with the Department of Street Maintenance and Repair, would suffice. If, for example, a new novel by Cushman Jack Hendricks carried a blurb by a famous novelist named Dred Schlotz saying "Hendricks writes like an angel with steel in its guts," the blurb would simply be signed "Dred Schlotz (Drinking buddy at Elaine's)" or "Dred Schlotz (Hopes to be chosen shortstop on the author's team at next Easthampton writers softball game)" or "Dred Schlotz (Just a fellow who likes to keep his name before the reading public between books)."

I suppose the publishers would put up some First Amendment quibble to the Open Blurb Law—in the same way that some civil liberties fanatics objected on First Amendment grounds to my plan to rid the city of stores with names like "Tchotchkes 'n' Things" through an ordinance that called for any shopkeeper who failed to spell out a conjunction to be put in the stocks. But what I propose is really no different from the truth-in-packaging legislation that requires, say, frozen-food

(Continued on page 749)

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EDITORIALS

The Oldest Dilemma

At the American Civil Liberties Union's lively and important National Convocation on Free Speech in New York last week one of the panels ("Free Speech for Racists and Totalitarians") engaged in spirited debate over whether any limits may be placed on expressions of hate, advocacy of genocide or group libel.

It is a shame that the panelists did not have the benefit of Carl Cohen's answer to attorney Doris Brin Walker's letter in this issue (p. 757). For Professor Cohen, who in our pages recently defended the right of the Nazis to march in Skokie, Ill., takes the occasion of Ms. Walker's question ("Does free speech include the right to espouse and encourage and thus to help bring about mass murder?") to address democracy's oldest dilemma: Between uninhibited debate and impermissible injury where is the line to be drawn?

A second theme of the ACLU convocation was introduced by its irrepressible founder, 94-year-old Roger Baldwin, who found President Carter's discovery of human rights grounds for cautious optimism in the struggle to guarantee the rights of man. We prefer to salute rather than quarrel with the exuberant Mr. Baldwin but at least two articles in this issue suggest that we approach his thesis with emphasis on the caution.

First, Alan Wolfe's analysis of the two foreign policies of the Carter administration (p. 753) demonstrates that the principal way to understand Carter's foreign affairs rhetoric is in terms of his domestic political concerns.

Second, A.J. Langguth's analysis of the banality of torturers (p. 762) leaves little room for confidence in our capacity to fulfill our responsibility for the protection of fundamental human rights.

Last Ditch for the Black Baggers

Will the Attorney General of the United States and the director of the FBI, both of them former U.S. court of appeals judges, go to jail rather than reveal the identities of eighteen "informants" (read informers) who spied on the activities of a legal political party? That intriguing possibility arose when the Supreme Court refused to overrule a lower court order giving lawyers for the Socialist Workers Party confidential access to files on the eighteen FBI employees who wormed their way into the SWP. (The party has filed a $40 million suit against the government for damages resulting from forty years of covert official disruption and harassment.)

The Justice Department continues to resist the court order, trying to squirm through all possible legal loopholes in its effort to get a higher court to review the disclosure order. Its spokesman claims Bell's action is "not outside the law" and Bell himself told the lower court that it was not done "in a spirit of defiance of court orders or out of a contemptuous attitude toward this court or its authority." Still, he resists, and, if he sticks to his principles, so to speak, Griffin Bell may go down in history as the first Attorney General to disobey a court order.

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Sickening is the right word for the behavior of the federal government in the Socialist Workers Party case. A couple of numbers tell the story as it has laboriously been extracted from the government in court—one FBI informer for every twenty-three members of the SWP, and one FBI break-in to SWP offices every three weeks during the years 1960-66. The purpose of this frantic illegal activity? To get "information relative to the security of the nation," said the hapless Clarence Kelley, Judge Webster's predecessor as head of the FBI. Those black-bag jobs, he claimed, were "paramount in the protection of the country" and were no "corruption of the trust that was placed in us." The FBI has maintained that the SWP is "potentially violent" (shades of the whole Bill of Rights!), even after a federal court held that the bureau had produced "absolutely nothing" in the way of evidence of "violent revolutionary activity or any other illegal activity."

So why is "Judge" Bell, presumably in concert with "Judge" Webster of the FBI, willing to risk a contempt of court sentence (and even incarceration?) in order to protect a few informers? There must be—at least in Bell's mind—a principle of great importance at stake. What can this be except to preserve the dishonorable profession of political informer, one that is so useful to police prying into the lives of citizens? It is astonishing to find the chief law-enforcement officer of this famously "open" administration out on that shaky limb.

This case is really about the right of the government to engage in domestic political espionage. The deeds were done mainly in the days of the unlamented J. Edgar Hoover but the retribution for them falls in this ostensibly more enlightened period. Bell and Webster are worried about the morale of the G-men, some of whom are likely to be punished for their breaking the law in their role as law-enforcement officials. Their "paramount" concern "in the protection of the country" should be the strict observance of the law at all levels of police activity, not the protection of a few miserable informers and their like in the future.

Snooping About in the Files

It is hazardous to predict litigation or to pinpoint a sensational case of the future, but it can be said with near certainty that the Supreme Court's decision allowing police to enter news offices without warning to search for evidence of a crime will, probably sooner rather than later, be tested again at this highest level of U.S. law.

The Chief Justice has a thing about institutions, pro and con. As Robert Sherrill points out in this issue (p. 750), Justice Burger has gone to quite extraordinary lengths to promote, in the vulgar sense of that word, the image of the institution over which he presides. On the other hand, the "institutionalized press," to use his phrase in the *Bellotti* decision, is something else—a thing not necessarily deserving of all the constitutional protections it has traditionally enjoyed. We have no impertinent intent when we question whether Justice Burger has thought his way through the logic of his prejudices on the press and its connections with free institutions.

On matters affecting police powers, however, the majority of the Burger Court has followed to its logical extreme a line of reasoning that constantly strengthens the arm of law enforcement, usually at the expense of the restraints on "unreasonable search and seizure." One analysis of the Burger Court's rulings in the past three years on search and seizure cases shows that out of eighteen cases, fifteen were decided in favor of the government's right to that activity, two in favor of corporations which resisted that right, and only one supported the rights of a citizen to resist that particular police power. The tendency of these decisions is not reassuring.

Since the Court's *Stanford Daily* decision on how the police can gain access to news premises in search of evidence of crimes, there has been much pious talk that judges will have extra scruples about issuing search warrants to policemen eager to poke around in newspaper files. These soothing sounds, however, generally issue from law professors whose acquaintance with the temperaments and political customs of county judges across the land is not extensive. Hence our certainty that some constitutional howlers will soon be committed and start on their way up to Justice Burger and his colleagues. They will then have a second chance to reflect on the constitutional implications of a free press.

Brzezinski Infuses Clarity

We publish in adjoining space a memorandum from the President's National Security Adviser to the Cabinet on, as Zbigniew Brzezinski puts it, how to "infuse greater clarity into public understanding of our foreign policy." It was written little more than a month ago, yet it is both dated and timeless—the latter in the sense that it reflects general strategic objectives of the United States since World War II, the former because it does not reflect the urgencies that became attached to our frustrations, after Zaire, at Russian and Cuban interventions in African politics.

This document, which bore no security classification when it came into our hands, is revealing in a special way; it shows how this administration conducts its business. Here the President's right hand for "national security" is giving the members of the President's Cabinet a primer lesson in Carter's basic foreign policy priorities. It is written almost as if the Cabinet never listened to what the President had to say, never read the newspapers and actually required instruction in the ABCs of policy. One must note that it went to Cyrus Vance along with the rest of those who sit with the President in the Cabinet room, as if the Secretary of State might also need to be reminded of the basics of administration policy.

So the Brzezinski memorandum is another reminder of the oracular role of that succession of Presidential aides that ran from Kissinger back through Rostow to Bundy (though none of them would probably have had the nerve to send forth such a brisk and patronizing memo). Scholars will puzzle over the order of those numbered paragraphs, wondering whether they reflect long-range strategy or short-range tactics triggered by particular events. Is it significant, for instance, that "cooperation with our key allies" comes ahead of "stabilizing the U.S.-

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Soviet relationship"? And is item 6, "sustaining support for our policies by rooting them firmly in moral values," a throwaway line, just a bow to Carter's moralistic preoccupations, a mere obeisance? It is hard to tell.

There are, however, one or two puzzles tucked away in the extreme condensation of this memorandum. The first item, which might be called the Trilateral paragraph, describes the aim of "new and wider relationships" with seven "regionally influential nations" apart fom Japan and Western Europe. The seven listed by Brzezinski are, in his order, Nigeria, Indonesia, India, Saudi Arabia, Iran, Venezuela and Brazil. Should one hope that Latin America's largest country, Brazil, will not take offense at being listed last, while Africa's largest, Nigeria, gets first place and India, whose population is larger than the others combined, lands near the middle? And is it niggling to remark that three of his seven—Nigeria, Indonesia and Venezuela—are noted more for their oil resources than for any regional influence?

We are no longer, writes Brzezinski, "tied to a regional approach" in Latin America. The administration has been patting itself on the back for its ability to tell one Latin country from another, and here is that claim of distinction in writing. Quite what he means by declaring that, while strengthening "bilateral ties" with Latin American nations, we will be "cooperating more fully with them in their *global concerns*" is a point we will leave to the exegetes. We turn our head away in some embarrassment at Brzezinski's claimed commitment to "reduction of conventional arms sales," in view of the record of the administration in which he serves (see Michael Klare and Max Holland, *The Nation*, June 10). The Cabinet members in their speeches might want to fudge that one.

This document is more than just a peak under the curtain of the foreign policy establishment. It is a revealing official statement of priorities and therefore food for thought. Does the Cabinet agree and will they thank their teacher?

MEMORANDUM FOR MEMBERS OF THE CABINET

May 8, 1978

In order to infuse greater clarity into public understanding of our foreign policy, the President wishes that all Cabinet members understand our key foreign policy goals so that they may be emphasized in your public statements and speeches.

The summary which follows is based on major Presidential speeches as well as statements by Secretary of State Vance and other top officials.

Our Foreign Policy Goals

1. *We seek wider cooperation with our key allies and a more cooperative world sytsem.* Close collaboration with Japan and Western Europe has long been the point of departure for America's global involvement. Responding to changes over the past 15 to 20 years in the global distribution of power, we are seeking to broaden these patterns of cooperation. This means developing new and wider relationships with such regionally influential nations as Nigeria, Indonesia, India, Saudi Arabia, Iran, Venezuela, and Brazil.

2. *Stabilizing the U.S.-Soviet relationship.* Through a broader range of negotiations we are pursuing a pattern of detente which must be both comprehensive and genuinely reciprocal.

3. *Maintaining sufficient military capabilities to support our global security interests.* To achieve this we shall maintain a strategic nuclear balance; work closely with our NATO allies to strengthen and modernize our defenses in Europe; maintain and develop a quick reaction global force available for rapid development to counter threats to our allies and friends in Asia, the Middle East, and other regions of the world.

4. *Politically we shall remain engaged in all regions of the world.* We shall preserve our strategic and economic presence in the Asian-Pacific area by widening our cooperation with Japan and expanding our relationship with China. We shall enhance our collaboration with the moderate states of Africa in the cause of African emancipation. In Latin America, we are no longer tied to a regional approach. We shall strengthen bilateral ties with the nations of Latin America while cooperating more fully with them in their global concerns. In the Middle East, we continue to pursue a genuine peace settlement. Our commitment to Israel remains unshakable while we expand our relationships with moderate Arab countries.

5. *Constructive and cooperative solutions to emerging global problems.* We are committed to head off any drift away from nuclear non-proliferation and the reduction of conventional arms sales.

6. *Sustaining support for our policies by rooting them firmly in moral values.* Our devotion to human rights is responsive to man's yearning everywhere for greater social justice. We seek a revival of America's optimism, a reawakening of America's idealism, and commitment to reform.

ZBIGNIEW BRZEZINSKI

VARIATIONS *(Continued from page 746)*

manufacturers to list how much MSG and cornstarch the consumer will be eating if he thaws out what purports to be a spinach soufflé. Although there may be writers who believe their books to be different in spirit from a spinach soufflé, spiritual differences are not recognized by the Department of Consumer Affairs. In fact, as part of my research for *An Anthology of Authors' Atrocity Stories About Publishers*, I conducted a study (employing my usual controls) that showed the average shelf life of a trade book to be somewhere between milk and yogurt. It is true that some books by Harold Robbins or any member of the Irving Wallace family last longer on the shelves, but they contain preservatives.

One ordinance would require any novel containing more than 300 pages and/or fourteen major characters and/or three generations to provide in its frontis matter a list that includes the name of each character, the page of first mention, nickname or petname, and sexual procliv-

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ities. Under another ordinance, passed despite some opposition from an organization called Urban Neurotics United, each publisher would be limited to one Kvetch Novel per month ("A Kvetch Novel," in the language of the ordinance, "will be defined as any novel with a main character to whom any reader might reasonably be expected to say, 'Oh, just pull up your socks!' or 'Will you *please* quit kvetching?' "). All profits from books published by convicted felons who have held public office would, by law, be turned over to a fund that provides Gypsies with scholarships to Harvard Business School. An author will be legally prohibited from ending a book's Acknowledgments by thanking his wife for her typing. There would be no books by any psychotherapist who has ever appeared on a Talk Show. Each September, under the joint supervision of the Office of the Borough President of Staten Island and the Department of Marine Resources, the city itself would publish a book called *An Anthology of Authors' Atrocity Stories About Publishers.* □

SOUVENIRS, FLACKERY & PUBLIC PAPERS

Burger's Court Feathers Its Nest

ROBERT SHERRILL

Chief Justice Warren Burger's seemingly insatiable desire for publicity—and his accompanying yen to manipulate the press and public opinion—has on several recent occasions raised for the Supreme Court the unpleasant possibility that some of its future rulings could be seriously questioned as to objectivity. Under Burger's reign, the Court has done everything but hire a public relations firm to inflate its image. The ground floor of the Supreme Court building has been turned into a museum of flattering exhibits that—though tasteful on the whole—John Marshall would no doubt look upon as pandering to tourists. In 1971 Burger appointed William F. Swindler, a William and Mary law professor, as head of a group to create a "historical society" like those that puff the White House and the Capitol. In 1974, accordingly, the Supreme Court Historical Society was incorporated, with Burger its honorary chairman, and the flood of puffery began. The SCHS will happily sell you a 3-inch, $8 bronze medallion of Burger. An SCHS fund-raising newsletter last year praised a *Smithsonian Magazine* story on the Court as "perhaps the most informative explanation of Supreme Court operations . . . in many years. Major portions of the article feature the responsibilities of Chief Justice Burger." (Burger, by the way, is chancellor of the Smithsonian Institution's trustees.) The Supreme Court Historical Society is selling reprints of the article, along with other gimcracks, to the Court's visitors.

All of this could be dismissed as just more of the standard Washington flackery, but there is a dark side to it. The SCHS actively solicits contributions from lawyers and businessmen. Presumably Burger and other Justices watch the list of contributors, to see who is generous ($5,000 will make you a "sponsor," $50,000 makes you a "benefactor").

One of the life members of SCHS is Robert T. Stevens, who also, as it happens, is the society's chairman. He is especially generous, not only giving his time to promoting the Burger Court but also contributing $8,500 that the society might commission a painting of Burger for the National Portrait Gallery. Before he retired, Robert T. Stevens was head of J.P. Stevens Co., the textile firm that is, at the moment, the most notorious labor-baiting corporation in America. Unions have taken it to court dozens of times. When one of these cases reaches the U.S. Supreme Court, will Burger be embarrassed? Will he, more to the point, be influenced by his friendship with the chairman of the SCHS? William Delaney, the *Washington Star* reporter who first brought this unsettling relationship to the public's attention, had no trouble finding a public-interest lawyer who pondered, "It's surprising that Burger would want to be publicly associated with Stevens, as much as that firm is involved in labor litigation." Perhaps that is a contrived worry, and perhaps it isn't, but the relationship clearly doesn't enhance the Court's reputation for objectivity.

An even more questionable promotional venture was undertaken by the Burger Court a couple of years ago. This one, an expensive flop, has now developed into a legal battle that could, if the Court does not back down (an unlikely eventuality), inflict further serious harm on the First Amendment and on the concept of unrestricted circulation of public-subsidized information.

The controversy goes back to 1975, when Congress began flinging around double fistfuls of tax dollars in preparation for Bicentennial celebration. Two million dollars was appropriated to the Administrative Office of the United States Courts. The Administrative Office is the tool of the Judicial Conference of the United States, and the Judicial Conference in turn is the tool—the propaganda tool—of the U.S. Supreme Court. To be more exact, it is the propaganda tool of Chief Justice Burger, who is the conference's chairman. This is perhaps no place to pause for remarks about the Judicial Conference, except to convey its mischievous character. John P. MacKenzie, former Supreme Court reporter for *The Washington Post*, has identified the conference as "a secret lobby, a powerful policy-shaping instrument that is in no way accountable for its often questionable actions. Not content with lobbying for higher salaries for judges (a perhaps understandable preoccupation),

Robert Sherrill, long a Nation *contributor, is a Washington-based writer who sometimes writes on politics.*

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the group has lately gone on to influence Congressional deliberations on wiretap legislation and similar key policy matters. As things stand, the Judicial Conference is fast becoming a secret governmental force to be reckoned with."

So here was this "secret lobby" with 2 million bucks in its pocket to spend on Bicentennial hoopla. The question was, how could it best be spent to glorify the Court? The solution: Chief Justice Burger set up a Bicentennial Committee of the Judicial Conference, under the chairmanship of Judge Clement Haynsworth—a sort of consolation prize, perhaps, for his having missed a seat on the Supreme Court. Other members of the full committee included Justices Byron White, Harry Blackmun and William Brennan. This Bicentennial Committee launched a series of subcommittees to oversee the writing of some flattering biographies and the production of some flattering films about the Court. Justice White was made chairman of the movie subcommittee; other members were District of Columbia Circuit Judge Roger Robb and Senior Court Judge Bailey Aldrich of the First District. The conservative-to-reactionary makeup of the subcommittee may be beside the point, but is worth noting.

In the spring of 1976, the Supreme Court contracted with Metropolitan Pittsburgh Public Broadcasting, Inc. to produce five films about the Court. (Actually, the contract was signed by the Administrative Office, mentioned above, acting on behalf of the Judicial Conference. But let's ignore the bureaucratic obfuscation and stick with the real agent in these matters—the Supreme Court. Hereafter, I shall largely disregard the Administrative Office in the telling of this story, for it serves merely as a front for its nine bosses.) Money for the films, $447,000, with another $50,000 thrown in for promotion, would come from the Bicentennial funds voted by Congress.

Metropolitan Pittsburgh Public Broadcasting, Inc. runs WQED, the national documentary production center for the public television network. PBS, avowedly strapped for funds, was only too happy to get $447,000 on almost any terms. Pitiful, pitiful PBS. On February 11, 1976, just a few weeks before the Supreme Court came by with its $447,000 bait, the PBS Board of Governors had adopted what it called "Substantive Principles for National Programming," which declared: "Public television, comprised of free and independent noncommercial broadcasting licensees, committed to provide programming to the public that is produced according to the highest ethical, journalistic and professional standards, *will not allow editorial control to be exercised by program funders.* . . ." (Emphasis added.) It went on to spell out precisely the kind of relationship it would not enter into with a funder. It would absolutely not—no, never—tolerate "the program funder's insistence on a contractual provision permitting review of scripts, outlines, treatment after the initial funding decision is made. . . ." In other words, the funder had to hand over the money and then step back. No dictation would be allowed.

That was what PBS said in February. But in March the Supreme Court came with its money, its proposal for the film series about the Court, and a contract demanding—you guessed it—that the Supreme Court's agents have total control over the content of the films, selection of the actors, the sound track, the background music, the publicity—everything.

Metropolitan Pittsburgh wasted no time in signing.

But that was not the worst of it. Aside from being written in such a way as to make PBS an indentured servant, the contract also made PBS a co-conspirator in a scheme to thwart the public's First Amendment guarantees. Written into the contract was the requirement that Metropolitan Pittsburgh copyright the films as private property—even though produced with public money for a public purpose—and then assign the copyright back to the government. By going through this rigmarole, the Burger Court hoped to keep the general public at bay and to force PBS, and any other broadcaster that the Court looked upon as a worthy conduit, to use the films only under conditions satisfactory to the Court, and to prohibit their use in any other way. By controlling the copyright, the Court could determine who could show—or for that matter, see—the films.

The Burger crowd might have got away with it unscathed, but unfortunately for them, one of the persons who watched one of the films shown over the Washington PBS station was M.B. Schnapper, who owns Public Affairs Press, a small publishing house. He is best known—notorious in some circles, in fact—for his many battles with those federal officials who have tried to claim private ownership (either for tax purposes or for publishing rights) of documents and other material that had been produced at taxpayers' expense.

Let me digress slightly to say what sort of guy this Schnapper is. Back in the 1960s, Adm. Hyman G. Rickover copyrighted twenty-two government press releases publicizing his speeches, claiming that the speeches were the product of his off-hours contemplation and literary efforts and had no relationship to his Navy employment. Schnapper, believing that the speeches were a byproduct of Rickover's work for the government, sued the Admiral. Rickover had to forfeit his copyright on the twenty-two press releases but was allowed to copyright two "private" speeches.

Then in 1970, when the Supreme Court issued a pamphlet containing one of Burger's "State of the Judiciary" speeches with a notation bearing the prohibition, "Not to be reprinted without permission," Schnapper was on Burger in a flash—accusing him of attempting to use the equivalent of copyright restrictions. Burger, though not promising never to do it again, backed off quickly, insisting that he was not trying to manipulate either the public or the press.

So it was only natural that when Schnapper saw one of the PBS films blossom on his television set and spotted the copyright declaration after the words, "Produced for the Judicial Conference of the United States," bells began to ring in his head and for a moment he seemed to see the face of Burger light up the screen.

He went into action, investigated the origin of the films—and sued. He sued William E. Foley, director of the Administrative Office of the United States Courts; he sued Barbara H. Ringer, director of the United States Copyright Office. He sued PBS, its production center in

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Pittsburgh, and WETA, its outlet in Washington. He sued for an injunction prohibiting these people from placing copyright restrictions on any material that is publicly funded.

Is this a crackpot lawsuit? Quite the contrary. Schnapper is more than merely a scrapper. He is recognized as a scholar in this field, and has as handy a knowledge of First Amendment history, and especially a knowledge of the intricacies of copyright law, as any layman around. Moreover, official Washington has learned not to take his complaints lightly. But inasmuch as a righteous cause and expertise have seldom been enough to guarantee victory in a fight with the government, the question remains: what chance does he have to win against the Supreme Court?

On the surface it would appear that he has a pretty good chance. After all, in 1975, the year the Supreme Court signed its contract with Metropolitan Pittsburgh, the government was still presumably bound by Section 8 of the Copyright Act that flatly stated "no copyright shall subsist . . . in any publication of the United States Government." To be sure, government officials had, over the years, found many ways to break or weasel around that law. And, as Carl H. Imlay, general counsel to the Administrative Office of the United States Courts, said in a letter to Schnapper last year, ". . . the long-standing construction of Section 8 which has been adopted by a number of government agencies . . . interprets 'publication of the United States Government' to comprehend only works prepared for the government by its officers or employees as part of their official duties. Accordingly, works prepared by contractors or grantees of the United States are not considered to be 'publications of the United States Government' as contemplated by Section 8." Whether a government contractor is allowed to copyright the material he developed with public funds, wrote Imlay, is a matter "for specification in the contract or grant." This "long-standing construction" is a backstairs ruse that was not shared with the public.

Nor is it accepted by all the experts. Plenty of legal scholars would argue that Counselor Imlay is playing with words. Robert L. Bard, professor of law at the University of Connecticut, for example, takes the position that the contract at issue violated both statutory and constitutional restrictions. He argues that

> requiring the producer to transfer the copyright back to the United States is improper because it permits the United States to do indirectly what it is prohibited from doing directly—viz., obtain a copyright on materials produced at government direction at government expense. Surely Congress did not intend this kind of end run.
>
> But even if Congress did contemplate such an arrangement, it would be unconstitutional. Copyright inherently conflicts with the First Amendment in that it has the effect of restricting access to information of interest and concern to the public and to the effective running of the government. According to the Constitution, Congress, in order "to promote the progress of science and useful arts," may permit authors and inventors to secure for limited times the exclusive right to their respective writings and discoveries. I read this as both a grant to Congress of the power to establish copyrights and a limitation on such power to situations where copyright is necessary to promote the production of literary materials and useful inventions. Where there is no need to provide such incentive there is no power in Congress to establish copyright protection.

Government contractors don't need the protection because they are guaranteed pay for their work, and the same goes for government officials.

Common sense would seem to support Bard's argument. A plain reading of Section 8 of the Copyright Act and of the Constitution would seem to support him further. Other constitutional lawyers have argued in support of the same position.

But having stacked up all his ammunition, anyone appraising it with a 20-20 realism will have to admit that Schnapper's suit stands not much of a chance. His defeat is almost certain, and if he loses it will be because the fundamental fight he is waging is not merely over copyright but over the broader question of ownership of informational material produced by and for the government.

To be sure, copyright means ownership. You cannot copyright something unless you own it. But ownership means more than copyright. Ownership is claimed for many, many things produced by government officials and contractors. Most Presidents of modern times have destroyed papers produced within the White House during their tenure that might damage their reputations, and have carted away the rest of "their" papers as private property to be housed within "their" libraries with all sorts of restrictions set on their availability to the public. When they have "donated" portions of these papers back to the public that paid for them, they have sometimes claimed a tax rebate for their generosity—the sort of thing that got Nixon and his tax adviser in trouble. However unconstitutional and illogical and downright bogus it may be, there has been a solid assumption on the part of the Washington Establishment that Presidents actually own the documents produced within the White House during their administrations.

Only once, when the commercial world tried to get hold of the Nixon tapes, has this assumption been seriously challenged. And the way the Supreme Court recently handled the challenge—leaving the question of ownership up to Congress—indicates that the Washington Establishment means to keep the Presidential assumption alive as long as possible, because the same assumption blesses other parts of the Establishment as well.

Members of Congress are constantly helping themselves to records that were produced at the taxpayers' expense, and also copyrighting and peddling through commercial publishers materials they've produced while in office. They treat all documents originating in their offices as their personal documents. It's a strategy that protects their reputations on the one hand, and fills their pockets on the other.

But no part of the Washington Establishment has treated public records with a more arrogantly possessive

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attitude than Justices of the Supreme Court. In an extensive study of this unsavory phenomenon (a study that will appear in a book), Schnapper found that most members of the Supreme Court have treated their official records like old love letters or canceled checks—like personal memorabilia, not official documents—to be hidden, burned, discarded, or occasionally deposited in archives with instructions that their sanctity must not be violated by the public's gaze for X number of years or except under the most restrictive covenants. Justice Holmes discarded 95 percent of his Court records, leaving less than 5 percent to the Harvard Law Library; Cardozo, Brandeis, Butler, Sanford, Roberts, Jackson, Minton destroyed all, or virtually all, of their Court records; others, like Vinson, deposited their records in libraries with instructions that they weren't to be looked at until a given period of time had elapsed. Chief Justice Earl Warren put his papers in the Library of Congress but declared them off-limits to the public until 1984. Some Justices who "donated" the public's records back to the public took tax deductions for their generosity; Justice Douglas did so, according to *The Wall Street Journal.*

And what did that other great defender of the First Amendment, Justice Black, do with papers accumulated during his Court tenure? You will be sorry to learn, no doubt, but perhaps not surprised, that Black—the same chap who, in *Associated Press* v. *United States* (1945) wrote that the First Amendment "rests on the assumption that the widest possible dissemination of information . . . is essential to the welfare of the public . . ."—ordered the destruction of 600 loose-leaf binders containing the choicest of his Court records.

Mind you, the records we are talking about here is stuff generated by the Justices while carrying out the duties they swore to perform. It is material the taxpayer paid for as part of the Justices' work. Often it is material vital to an understanding of the Court's history and its process of judgment. The Justices have destroyed such highly important records without any qualms—because they feel, as do other high government officials, that they personally own the papers they generate.

That being the unfortunate character of the Supreme Court's practices, what chance does somebody have to secure a favorable decision when he presents the Court with a case challenging the practices of a Nixon, a Kissinger or an agent of the Supreme Court? What chance is there that the Court will order officials—or order themselves—to stop appropriating or destroying valuable public documents?

The new copyright law that went into effect this year prohibits copyrighting of materials "prepared by an officer or employee of the United States Government as part of his official duties." Undoubtedly motivated by self-interest, Members of Congress adopted this tricky phrasing so as to permit private ownership of materials that are not specifically required by duties—Kissinger's "working papers," for instance, or Nixon's tapes. A report of the House Judiciary Committee slyly comments on this point:

> The general prohibition against copyright in Section 105 [of the Copyright Act] applies to any work of the United States Government which is defined in Section 101 as "a work prepared by an officer or employee of the United States Government as part of that person's official duties." Under this definition a government official or employee would *not* [my emphasis] be prevented from securing copyright in a work [generated during regular office hours with use of agency resources] written at that person's own volition and outside his or her duties, even though the subject matter involves the government work or professional field of the official or employee.

This preposterous interpretation will ultimately be challenged all the way to the Supreme Court. But what chance will the challenger have when appearing before nine Justices who treat their own papers as "working papers" just tossed together of their own volition and having nothing to do with their official duties? No chance at all.

Which is why Schnapper will not win. Justices who have such a strange idea about what government officials can destroy and conceal are not likely to have enlightened ideas about what government officials can copyright—especially when they are squatting squarely among the government officials at fault. □

DOMESTIC USES OF FOREIGN POLICY

Carter Plays at Hawks and Doves

ALAN WOLFE

For one week in May, President Carter seemed to contemplate intervention in Africa. Complaining that his hands were tied by an intransigent Congress, he acted out the script written for every American President since Truman. Unless released from the grip of a parochial and unresponsive legislative branch, Carter complained, American power would be unable to assert itself. As a consequence, American prestige would be bound to suffer in the eyes of that great audience that watches the United States and Russia for the first sign of weakness.

Hints in the press that Carter wanted to aid the UNITA forces in Angola were a vivid reminder of the inability of American Presidents to keep their fingers out of other people's wars. Allegations of Soviet, Cuban and even East German aid to the Ethiopians sounded like an instant replay of cold-war theatrics. Discussions

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between CIA Director Stansfield Turner and Members of Congress were interpreted as preparing the ground for the active participation of American intelligence agents in African politics, despite claims that under Carter the CIA would be more concerned with intelligence than with operations. All the pieces were moving into place for the chessboard mentality toward world politics that seems inevitably to seize American Presidents, whatever their inclinations to the contrary.

Despite Carter's fantasies, the intervention has not taken place, at least in part because of the intransigence of Iowa's Senator Clark, who stood firm and reminded the President that he had engineered through Congress a law which prohibits U.S. intervention in Angola without legislative approval. Dissident voices in the State Department let it be known that the document they had drafted to show how firmly Carter's hands were tied by Congressional restrictions had been forced on them by administration hawks. Warnings by ex-CIA agents like John Stockwell before Congressional committees that CIA intervention into Angola would be a disaster were carried widely in the press: U.S. Ambassador to the United Nations Andrew Young denounced interventionist proclivities in terms that from any other Carter adviser would have led to dismissal. Due in part to this pressure, Carter retreated from his fantasy, claiming that he was merely raising options. But the specter of a possible direct American intervention in Africa has been raised, and the thought remains in many minds that Carter's attacks on Congress were designed to prepare the public for such an action, if not this time, then some other. The itch to intervene has not been brought under control, at least by this administration.

On the surface, it would seem unthinkable that an American President could toy with the idea of intervention after the debacle of Vietnam. It is true that politicians have short memories, but even they can keep in mind a period of less than a decade. Yet within six years of the conclusion of the war in Vietnam, here is another administration publicly contemplating moves that would embroil it in an arcane dispute in a corner of the world that is able to unite on very little except hostility to the presence of alien whites. Moreover, the American public, no matter how disenchanted with the Russians or attracted by a cold-war ideology, seems hardly in a mood to rally to another defense of imperial interests. And finally, the unfolding of events suggests that most of the administration's professed goals could be accomplished without direct intervention. Because Carter could not send troops to Kolwezi, the French did, and the cause of the West was not lost. Carter was unable to intervene in Ethiopia, yet natural political forces have led in any case to an emerging split between the Cubans and the Ethiopians. And if a Socialist Angola is acceptable to Gulf Oil, why should it not be acceptable to Zbigniew Brzezinski? U.S. intervention in Africa, in short, is not only ethically dubious but suspicious even on the most practical political grounds. An administration that could contemplate intervention under these circumstances would seem to have lost its head.

Such would be the conclusion if Carter's musings about Africa were seen as part of his *foreign* policy; if one assumes that his interventionist fantasy was about *domestic* policy, the administration's course becomes understandable. Since taking office, Carter has been trying to keep in balance widely divergent domestic interest groups that have developed a concern with the U.S. defense posture. The speculation about intervention in Africa can be read as evidence of how difficult this process has been for him and as an indication of what the stakes might be if the gamble that Carter is taking ultimately fails.

To understand Carter's dilemma, one must return to the days when the United States was formulating its strategy for the post-Vietnam era. At least one major faction of the foreign policy establishment had come to view the course pursued in Southeast Asia as leading to disaster. The readiness to intervene, in their view, had resulted in an overextension of U.S. power; Vietnam had shown that there are substantial limits to what the United States can hope to achieve through military intervention. A post-Vietnam strategy required greater emphasis on economic intervention; a sharing of power with allies; arms control and the furthering of détente with the Soviet Union, and a shift of emphasis from the East-West split to issues that divide North and South. But that is the wrong lesson to draw, complained a more traditional view that still held strong sway in the National Security establishment. Vietnam was simply the wrong war at the wrong time. If anything, the lesson to be learned from it is that the United States must be even more determined to show the world that its power has not abated. That means an increase in defense spending to make good the loss in strategic balance brought about through America's preoccupation with Vietnam; the rekindling of competition between the Soviet Union and the United States, and a vigilant outlook on the world to insure that no more countries fall into the Communist orbit.

Although these two perspectives on the U.S. failure in Vietnam lean in radically different policy directions, the problem for Carter is that both views are strong in the Democratic Party. If he is to preserve the precarious coalition over which he presides, both to insure his renomination and to avoid anarchy at the highest levels of power, Carter must find a way to prevent a full-scale war from breaking out between the factions that represent these two sets of ideas. Some indication of what such a war might resemble became clear to Carter when he nominated Theodore Sorensen to head the CIA and Paul Warnke to direct the SALT talks. Sorensen was torn apart by hawks in high places, and Warnke, whose links to Wall Street were impeccable, was denounced as a "screwball" by Paul Nitze, his former boss in the Pentagon. Having seen what will happen if he steps too close to one side in this debate, Carter has formulated his ideas about the world on the first premise that both these factions at home must be appeased.

The problem is that it is beyond the realm of human possibility to fashion one foreign policy perspective

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that can unite both Nitze's Committee on the Present Danger—which is committed to reviving the Soviet threat as the greatest menace to American life—and arms-control zealots who want to decrease American reliance on outspending the Russians in strategic weapons. Given this impasse, Carter is trying the next best thing. His administration, to put the point most graphically, does not have *a* foreign policy; it has two. Each policy is developed by and for the particular domestic constituency that shapes the Carter coalition. The President's role in this process is to make certain that the mechanisms by which one foreign policy is achieved do not interfere with the operations of the other. He will succeed to the degree that he can keep the two different policy processes from interacting with each other.

Crucial to this balancing act is the rejection of the notion of linkage developed by Henry Kissinger. In part to win bureaucratic support for such initiatives as détente and the SALT talks with the Russians, Kissinger attempted to link Soviet behavior in one part of the world with its actions in another. Both détente and SALT were sold to a hostile Congress and National Security bureaucracy on the ground that they would provide leverage for the United States to moderate Soviet aggression. Since the Russians obviously wanted détente, Kissinger argued, the United States should use that desire to stop their fooling around in places like the Middle East and Africa. In other words, to hold together the National Security disputes that marked their administration, Nixon and Kissinger were forced to link together Soviet actions everywhere on the globe.

Carter's dilemma is the exact opposite. If the Soviet Union is pictured as one monolithic power following the same premises wherever it moves, then it becomes impossible to develop two distinct foreign policies. But if linkage is rejected, if Soviet actions are seen as disjointed and unrelated to one another, the American response can be equally disjointed, with one joint for each side in the foreign policy debate. From the start of his administration, Carter has let it be known that he rejected the idea of linkages.

The administration's first attempts to formulate an alternative to that idea prepared the intellectual groundwork for the development of two simultaneous foreign policies. In PRM-10, the overview of American capabilities developed by Carter's National Security Council, U.S. relations with the Soviet Union were characterized as having passed through different eras. The cold-war period had resulted in the arms race and competition with the Soviets over territory, on this planet and on others. The period of détente was characterized by cooperation ranging from mundane matters of navigation to arms-control efforts and wheat deals. Now we are in a new era, dramatically called Era-2, in which elements of both the cold war and détente are seen as existing side by side. The implications of the Era-2 perspective were also spelled out in what remains the most detailed presentation of the administration's overall perspective toward the East-West split—the October 26, 1977 testimony by Marshall D. Shulman, Special Adviser to the Secretary of State on Soviet Affairs, before a subcommittee of the House Committee on International Relations. Shulman characterized this perspective as follows: ". . . We start from a frank recognition that the Soviet-American relationship at this period in history is a competitive one, based upon quite different views of the world and conflicting long-term aims. At the same time, it is also true that these two countries, as inhabitants of the same planet, have many overlapping interests. Common sense dictates that we should, while advancing our own interests and purposes energetically, seek to regulate the competitive aspects to the relationship to reduce the danger of war and at the same time to enlarge the area of cooperation where our interests are not in conflict."

Shulman's theme that U.S. relations with the Soviets can be simultaneously cooperative and competitive makes little intellectual sense and is bound to displease true believers in either arms control or the cold war. But for the same reason, his remarks make bureaucratic sense, for they enable each faction to operate on the basis of its first premise. Those who lean toward détente and arms control can fashion their policy initiatives around the cooperative impetus, while those who want to advance the arms race and meet what they see as the Soviet threat can hang their notions on the competitive peg. Having two contradictory views of Soviet intentions therefore solves the problem of the ideological basis of two foreign policies, but it leaves open the practical question: which issues should be settled cooperatively and which competitively? Or, asking the same question from the perspective of bureaucratic politics, over what kinds of issue should each of the two factions of the National Security establishment have hegemony? The ambiguity was bound to lead to bitter infighting, for neither side wanted to settle for symbolic victories. Bureaucratic battles are won or lost in budgets, and budgets are hard to fudge. Spending on strategic weapons, for example, either goes up or it goes down but it cannot do both at once. The rejection of linkage by the NSC and the State Department opened the door to possible infighting that could wreck the administration.

His response was to try to please each faction by giving each, in a sense, a separate budget. Defense priorities since World War II are of two types: strategic, or nuclear, weapons and conventional arms. An obvious strategy for holding down the bureaucratic disputes between opposing sides within the National Security establishment was to enable each faction to have its own way on one or the other of these emphases. Since the arms-control faction was more concerned with strategic weapons, they could be satisfied by an overall reduction in the relative spending devoted to elaborate weapons systems. Responding to this side of his constituency, Carter has shown some rare courage in holding the line against the extravagant schemes of the nuclear enthusiasts. He decided to cancel the B-1 bomber, announced that he was not in favor of the neutron bomb (a position from which he backtracked as the bureaucratic infighting became fierce), and slowed development of such projects as the M-X mobile missile. At the same time, Carter has been working hard for a new SALT treaty and has let it be known that he will make ratification of SALT II a top priority item for his ad-

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ministration. From the point of view of strategic weapons, in other words, Carter is emphasizing the cooperative aspects of U.S.-Soviet relations and thereby keeping relative peace among those of his advisers who want to de-emphasize cold-war stereotyping.

But the decision to seek cooperation with the Soviets over strategic arms leaves the more militant faction of the National Security bureaucracy without a program. Constantly afraid of attack by anti-Communist true believers both in and out of government, Carter has turned over the conventional arms side of the defense budget to the cold warriors. He has promised a 3 percent "real" increase in defense spending for the coming year and then had his Secretary of Defense announce that for the foreseeable future, the defense budget would have to rise ever further. The great bulk of their new spending, according to Carter's budget, will be for conventional arms. Carter then spoke at Wake Forest College and denounced the Soviets in unabashed cold-war tones. Despite pledges to the contrary, he has allowed arms sales to foreign countries to increase. He has sold jets to three countries in the Middle East, whereas previous administrations sold them to only one. He has, in PRM-10 and in PD-18, the Presidential directive designed to implement that memo, placed an enormous reliance on a strategic theory that emphasizes flexibility and response, which means building up conventional weapons so that they can intervene in local disputes. In short, Carter has done as much to guarantee that conventional arms spending will increase as he has to check the line on strategic spending. (He has not gone all the way with either, rejecting some conventional programs and approving some strategic ones, such as the Cruise missile.)

Giving each side to the dispute its own budget seems a likely way to keep the debate between them under control, but one substantial problem remains. Budgets are fiscal instruments, but they are also much more: a decision to spend money on something presupposes a policy, and policies often have behind them a set of assumptions about the relationship between government and its environment. For this reason, an emphasis on conventional arms is based upon a theory of the use of American power that is quite different from the one underlying an emphasis on strategic arms. Those who think primarily about the arms race between the Soviet Union and the United States have an implicit East-West analysis of the world. To them, the cradle of Western civilization remains Europe, and the thrust of U.S. foreign policy should be toward the defense of those closest to us in culture. Conventional arms would have little use in a European theatre, however, because both U.S. and Soviet strategic theorists agree that the area is so important to both sides that any war there would rapidly advance to the nuclear stage. Although some conventional arms spending is necessary in Europe to counter the size of the Russian Army, the main bulk of spending on conventional arms would be to prepare for intervention elsewhere in the world when American interests are threatened. The Middle East might be such a place but, because of oil, that area is becoming so vital to both sides that a war there might also rapidly escalate to nuclear status. The emphasis on conventional arms, in short, leads to thinking about confrontation in nonvital parts of the world, certainly including Africa.

This implicit division between strategic and conventional spending is reflected in PRM-10, according to versions of it that have been leaked to the press. PRM-10 has two main sections. One, written from an East-West perspective, argues that the United States and Russia have achieved "essential equivalence" in strategic weapons. The United States should reject the search for superiority and simply maintain the strategic balance. This section pleased the "doves" in the Carter camp, and its inclusion in PRM-10 was seen by them as a bureaucratic victory. But another part of the document spoke of the need to modernize U.S. interventionary forces and envisioned a recommitment to the defense of American interests against Soviet challenges in the Third World. This section was a coup for the hard-liners in the Carter camp, some of whom wrote it. PRM-10, in short, attempted to include both perspectives in a single document, which is why, after a year, it has not achieved the status of a coherent statement of Carter administration policy.

Because strategic and conventional arms have different theories of American power implicit within them, it is a dangerous course to pursue a strategy that incorporates a leveling off of one and an intensification of the other. For such an approach to work, Carter must be able to "signal" each side that a move in one direction does not betoken losses for the other. For example, when Carter gave his militant Wake Forest speech, he had to make clear to the arms controllers that this was part of the other foreign policy-making process and that they should ignore it. Or, when he rejected the B-1, he had to signal the hard-liners that they would not be frozen out of his administration, which he did by promising them the Cruise missile. Yet even if Carter is successful, as to this point he has been, in keeping the internal disputes under relative control, he still faces an "audience" problem. A number of audiences watch bureaucratic policy disputes: Congressional committees, defense industries, allies, the Soviet Union, the service branches, public opinion, and so on. By the very nature of the balancing act he is performing, Carter cannot make the audiences privy to the code in which the policy dispute is conducted. Thus there always remains the chance that, no matter how smooth the performance, a member of some audience, not understanding the need to suspend critical judgment, will rush on stage and disrupt the play. Carter's suggestion that the United States might contemplate intervention in Africa can be understood as a breakdown of the balancing act due to external factors.

The Carter administration may understand the need to placate the Russians in one part of the world while threatening them in another, but neither the Russians nor the American people seem to understand it. As audiences not familiar with the codes of the bureaucratic performance, they both operate by different sets of expectations. The Russians, for example, interpret Carter as vacillating and unsure of himself. Under such cir-

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cumstances, the most conservative elements in the Soviet power structure have the upper hand, for the safest course seems to be to reject new initiatives and to use Soviet power in traditional ways. Similarly, the American public seems incapable of understanding the balancing act. Russia is an enemy or it is not, most people think. If it is, we should stop selling it wheat and taking its word about backfire bombers and MIRVing. If it is not, we should stop talking about the danger it poses to American interests in Africa. Since the former course is the more familiar, most Americans want Carter to resolve the balancing act in favor of hostility toward the Soviet Union.

Carter's response to this problem was his June 7th foreign policy address at the U.S. Naval Academy in Annapolis. He "challenged" the Russians to pick one of Carter's two foreign policies: cooperation or confrontation. The gesture was warmly received by the cadets, but it remains only a gesture. It is not up to the Russians to determine the direction of American foreign policy.

The audience problem threatens to undermine Carter's dangerous gamble. He had hoped to win support for arms control by buying off cold-war factions of the National Security bureaucracy through interventionary inclinations. The major reason—though not the only one—for Carter's concern with Africa is not developments on that continent but changes on this one. There can be no doubt that the Russians and Cubans are trying to shape future events in Africa, but they have been for some time. Moreover, the struggles there have been going on since decolonization. Very little has happened in Africa to justify a shift in U.S. policy. But within the United States, the inability of Carter to please the cold warriors in Washington has led to a constant escalation to anti-Soviet rhetoric since this administration came to power. The bloodhounds want blood, and if Carter is going to give them any, it had better be in a relatively nonvital part of the world. In the view of men like Brzezinski, Carter needs to find a place to confront the Soviets, and Africa has apparently been selected. Given a continent, perhaps the hawks will shut up and allow the President to move forward on the East-West front.

But cold warriors never shut up. Already it is becoming clear that in trying to appease the Right with interventionary talk, Carter stands in danger of losing initiatives on the Left. His African fantasy may cost him the SALT II treaty. If the Russians in fact want to take over a country in Africa, it makes little sense to ordinary Americans to cooperate with them over the arms race. The American people cannot understand a rejection of linkage. They quite rightly believe that one should not give away anything to one's enemy. Trying to keep his two factions in line, Carter is discovering that he is pleasing neither. Even a suggestion of intervention in Africa is an indication of how out of hand the balancing act has become. It looks like the move of a man who is becoming increasingly desperate to find a way out of his dilemma, but who finds that each step he takes to work himself out simply entraps him further. He may live to regret his harsh African language, for he may find, as did both Kennedy and Johnson, that words have a life of their own, and to give meaning to his words in the bureaucratic jungle, he will have to act in ways that make no sense to the outside world, no matter how logical they are in terms of internal struggles.

From one point of view, there is nothing surprising in Carter's attacks on Congress for depriving him of his ability to intervene in Africa. From the appointment of Brzezinski to the writing of PRM-10 to the Wake Forest speech, an emphasis on conventional arms in order to make the United States "flexible" and "responsive" has been one of the two consistent foreign policies of the Carter administration. That theme leads directly to intervention, as its former advocates—men like Walt Rostow and Maxwell Taylor—found, to the world's horror. But from another point of view, the week in May during which Carter contemplated intervention in Africa remains an example of the fact that suggestions that seem rational in Washington are close to total irrationality when viewed from the context of the larger world. □

GENOCIDE AND THE NAZIS

THE CASE AGAINST GROUP LIBEL

CARL COHEN

April 19, 1978

Most "free speech for Nazis" (and for the KKK, etc.) arguments fail to deal with a very basic point: the programs of these groups are based upon the libelling and degrading of colored peoples and of Jews and their goal is the physical extermination of those races and other groups whom they libel and degrade.

In a recent article defending the right of the Nazis to march in Skokie, Ill. (*The Nation*, April 15), I undertook to show that the reasons commonly given for banning such demonstration, although plausible and tempting, cannot withstand examination. In the end, I argued, the right to speak freely, to march and demonstrate, applies even to Nazis in a heavily Jewish community.*

Responding to that essay, Doris Brin Walker, an attorney of Oakland, Calif. asked some very provocative questions. Here is her letter in full:

* The courts have agreed. An injunction originally forbidding the demonstration was quashed by the Illinois Supreme Court. A private suit against the Nazi march was ordered dismissed. Three ordinances adopted by the Village of Skokie, whose aim was to block the demonstration and to punish the publication of certain kinds of remark, were all held unconstitutional by the Federal District Court. On May 22, the 7th U.S. Circuit Court of Appeals upheld that ruling. The Nazis have the right to demonstrate, said the Circuit Court, even though they may "resort to hatred and vilification of fellow human beings." Appeal by Skokie to the U.S. Supreme Court has failed and the Nazis are now free to demonstrate in Skokie on the date they plan, June 25.

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Carl Cohen's interesting and otherwise thoughtful article on Skokie, Illinois unfortunately slides over and around the questions raised by group libel and mass extermination, although in the same issue your editorial quotes a statement of Alvah Bessie which touches the point: "I am for free speech for everyone except those who would exterminate me. I have the right not to want to be exterminated, don't I?"

Does free speech include the right to espouse and encourage and thus to help bring about mass murder? Do Mr. Cohen and your editorial writer equate, within the free speech context, the political views of Communists with the views of those who would exterminate whole peoples because of attributes received at birth: race color, ancestral religion?

If we deny to the Nazis the right of advocacy of group inferiority, do we endanger the right of Communists to advocate socialist revolution? And if such danger does result (and I agree that today it does), should we accept that result, or begin to search out means of educating the people and the courts of the United States to distinguish between restrictions on political speech and restrictions on group libel and advocacy of mass murder of those libelled?

I hope that *The Nation*, and Mr. Cohen, will take another look, and will help to provide us with a more thorough analysis and exploration of these profoundly troubling questions.

Doris Brin Walker

What is that "very basic point" missed by those, like myself, who defend the right of all to speak? Is it that the Nazis would *libel* certain ethnic groups? Or is it that they aim to *exterminate* those groups? Two distinct arguments are conflated in Ms. Walker's letter. I will respond to both, answering explicitly the questions she asks.

Libel is a perennial problem for a society that prizes free speech. Between uninhibited debate and impermissible injury, where is the line to be drawn? This much will be generally agreed: the range of hurts held to justify recovery through libel action must be very narrowly restricted where citizens are expected to express their honest judgments frankly and forcefully. Critical speech must be protected, even when very painful, unless it can be shown that the attack has no bearing on the public business, and seeks the deliberate injury of private persons. But what is public business? And who are private persons? Hard questions, of course. The range of public concerns is vast and ever changing; the public role of citizen-participants is without precise boundary. In the broad arena of public argument dogmatism and error must be anticipated, prejudice and even nastiness tolerated. A continual intellectual free-for-all is what we expect in that arena—from which no claims or anxieties are barred, but to which candid entry is seriously hindered by fear of the charge of libel. (See "Libel, a Weapon for the Right" by Isidore Silver, *The Nation*, May 20.)

In this spirit there is no such thing as "group libel," a most unfortunate locution that should be discarded. Say what they will about the Jews—that they are pushy, or conspiratorial, or love watermelon—they cannot injure me, as private person, so as to justify redress through law. That is because the behavior and misbehavior of groups is, naturally and rightly, a matter of the highest public importance and a proper subject of public argument. The attitudes and practices of Jews and Catholics (taken as groups), of New Yorkers and Chicanos, of whites and blacks, are all matters we must be entirely free to argue about, to describe, analyze, and perhaps condemn. Group conduct and performance are commonly studied by social scientists, and the results of these studies are sometimes not agreeable to contemplate. Groups—national, religious, ethnic—perennially contend that judgments passed on them are malicious, defamatory, but appraising such judgments may become a critical piece of public business. In a polyglot society we cannot—repeat, cannot—threaten to punish angry speech about groups, even when allegedly defamatory, and expect to keep democracy healthy.

The Nazis say scurrilous things about colored peoples and Jews. We believe that the genetic inferiority they teach is profoundly mistaken and pernicious. Does that entitle us to suppress their demonstrations? Is it conceivable that, with respect to the behavior patterns of groups, and the reasons for these patterns, we are not yet in possession of the whole truth? If that is so we shall extend our understanding of such matters and correct mistakes of which we are now unaware only by opening all judgments about groups—about Jews, about Texans, about blacks—to the test of evidence and reason. There is no other rational course. If we believe an opinion vicious and absurd (German Nazis believed that all Jews had a peculiar natural odor offensive to Aryans, and therefore commonly disguised by perfume), we are free to exhibit its absurdity, to ridicule or condemn it, to ignore it. Of more moment, some very critical opinions about groups are by no means absurd but yet untrue; we need to expose errors, which we can do only by hearing them advanced and presenting refutation.

One attempt to justify the prohibition of Nazi demonstrations denies this flatly. Prof. Hadley Arkes (in the *National Review*, May 12) asks:

> What unresolved issue in the marketplace of ideas may the Nazis help to settle for us? . . . Is there something in the perspective of the Nazis which has a plausible claim to truth? If we restrict the speech of the Nazis is it conceivable that we may shield ourselves from ideas that may turn out one day to be valid? . . . Might it be that the commitment to a democratic regime itself stands on premises that may be shown one day to be doubtful?

Rhetorical questions, all: Professor Arkes is convinced that he knows with absolute certainty that the answer to each is no. The wrongness of what he despises, he tells us, "arises from the concept of morals itself, and therefore no amount of discussion, now or in the future, could possibly have any effect upon its moral status." Many,

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including Ms. Walker, who would outlaw "group defamation" are infected by the same conviction of infallibility.

The sweep and dogmatism of such claims is dangerous. Are we as wise as censors throughout the ages have believed themselves to be? Consider one of Professor Arkes's rhetorical questions. "Might it be that the commitment to a democratic regime itself stands on premises that may be shown one day to be doubtful?" The negative answer that he supposes to flow "from the concept of morals itself" is in fact mistaken. Democracy stands on premises that are indeed subject to doubt. Powerful arguments against them have been urged by philosophers and statesmen of great experience and depth. Most of us will agree in the end that those arguments are not sound, that democracy is morally justifiable. But if Arkes thinks that that matter is past discussing, he deludes himself. The ultimate justice of the democratic system can be defended only by meeting the arguments against it.

The Nazis, of course, are shallow, their arguments (insofar as they rely upon reason at all) ill-formed and ill-founded. Some of their claims and insinuations are an utter outrage. But there is also value for us in knowing this, in hearing their crudeness and superficiality, in allowing them to exhibit their inhumanity and seeing its failure to gain support. Professor Arkes asks: "Is it possible, for example, that a convincing case could yet be made for genocide if people were given a bit more time to develop the argument?" Of course not. But the easy condemnation of genocide (with which the Nazis are properly associated, but which they do not now explicitly propose) misapprehends the role of free speech in an open society. The error is twofold. On the one side lies the dogmatism that supposes it clearly known which political parties are morally unworthy of a hearing, and is ready to protect the rest of us from contamination. On the other side lies the failure to see that, even when moral condemnation of some party is substantively justifiable, the assurance of their free speech is a protection of our right to examine and expose their errors publicly.

Blacks and Jews, Georgia Crackers and Boston Irish need not fear defamatory attacks so long as they and others have the freedom and the willingness to respond. But if what may be safely said in public is restricted by law, the infection of bigotry is likely to fester. Nazis and others will not cease to spread ugly venom, but the antidote will be out of reach. Bigotry is most effectively dealt with in the fresh air of open argument.

In 1952, an Illinois statute making it a crime to publish or exhibit material that portrays "depravity, criminality, unchastity, or lack of virtue of a class of citizens, of any race, color, creed, or religion" which exposes that class to "contempt, derision, or obloquy" was held constitutional by the U.S. Supreme Court, Justices Black, Douglas, Jackson and Reed dissenting. [*Beauharnais* v. *Illinois*, 343 US 250.] Under that statute a man was punished for distributing anti-Negro leaflets. Justice Black's powerful dissent bears reconsideration now:

> [N]o legislature is charged with the duty or vested with the power to decide what public issues Americans can discuss. In a free country that is the individual's choice, not the State's. State experimentation in curbing freedom of expression is startling and frightening doctrine in a country dedicated to self-government by its people. I reject the holding that either state or nation can punish people for having their say in matters of public concern. [p. 270.]

When (if ever) words may be punished because they injure, that could be—Justice Black emphasized—only if the injury were done to a specific individual, never because of an alleged injury to a group.

> Freedom of petition, assembly, speech and press could be greatly abridged by a practice of meticulously scrutinizing every editorial, speech, sermon or other printed matter to extract two or three naughty words on which to hang charges of "group libel."

One of Skokie's new ordinances, (held unconstitutional by two successive federal courts) is modeled on that earlier statute, of which Justice Black said that it gave to libel "a more expansive scope and more respectable status than it was ever accorded even in the Star Chamber."

> This [group libel] Act sets up a system of state censorship which is at war with the kind of free government envisioned by those who forced adoption of our Bill of Rights. The motives behind the state law may have been to do good. But the same can be said about most laws making opinions punishable as crimes. History indicates that urges to do good have led to the burning of books and even to the burning of "witches." [p. 274.]

It should also be remembered that those who, in the distant and recent past, burned books or people because of the opinions they expressed, usually did so with a conviction of moral righteousness no less confident than that of Ms. Walker or Professor Arkes.

Suppose group defamation were made a crime. Those accused of exposing classes of persons to hatred or derision would then be arraigned and tried in court for their alleged crimes. Juries and judges—and legislatures in framing statutes—would face questions of two kinds, neither of which admits of satisfactory answer.

First, *which* groups are to be protected against defamation? Whatever the categories chosen, the results must prove embarrassing. Shall groups of identifiable national origin be protected? Will it be a crime, then, to make nasty cracks about Swedes or Scots? Religions will surely be protected. How guarded must our comments be, then, about the Hare Krishna, the Moonies, the Holy Rollers? H.L. Mencken, I suppose, would have been obliged to defend himself regularly in court—or would have sheathed his tongue. Are citizens (or natives?) of geographic regions to be guarded from abuse? Downeasters and Brooklynites will get their revenge at last. Racial or cultural groups? May one be fined, then, if caught telling a story (in what company?) in which a Jew or an Irishman is the butt of humor? Laughter is often pervaded with derision; shall we inspect for sarcasm, note who smiles? Perhaps all classes distinguished by attributes received at birth are to be shielded. Then ardent feminists must be careful of what they say about men, and outspoken male chauvinist pigs can be locked up.

Second, *what* is defamatory? This is utterly impossible

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to settle objectively. In a recent Supreme Court decision Justice Harlan observed that "one man's vulgarity is another man's lyric"—a remark appropriately repeated by the Illinois Supreme Court in striking down the original injunction against the Nazi demonstration. Certain terms —Bohunk, Canuck, Yid—are used contemptuously in some contexts, affectionately in others. May they be voiced only at the risk of criminal prosecution? Cultural, national and racial groups differ markedly in mores and styles of life. Shall we forbid by law any comparative observations publicly made? The performance of some ethnic groups is statistically inferior to the norm in one sphere or another: some show higher rates of alcoholism or divorce, some tend to do less well in schools, and so on. We need to know these patterns: some perturbing environmental factors are probably operative and need correction. It will be difficult to identify such problems if it is risky to discuss the symptoms openly. It will be even more difficult to ameliorate such problems if it becomes criminal to entertain or defend hypotheses about their causes that may well be deemed offensive by some. When a report of investigation into group behavior is made, who will say what is malicious and what is simply honest? For criminal conviction, must damage be shown? Of what sort, and to whom? If our Constitution did not already prohibit legislative entry into this utterly subjective sphere, our good sense should surely do so.

The problem is not that we cannot weave a legal net that will catch the ugly fish we despise. We can. But every such net will catch a myriad of fish we do not want. And the only way anyone could be sure not to be caught in such a net would be to keep silent. "Group libel" statutes oblige all to be very careful of what they say in public on controversial racial and religious questions, and even to guard what they say in private. Surely that is not the direction in which we want our society to go.

Even if such statutes were in force, it should be remembered that the punitive machinery of the law could be brought into action only *after* the defamatory utterances had been made. Prior restraint is the archetype of state oppression. Even words so hurtful as to justify subsequent redress are entitled to a test in court. To suppress all *potential* libels we would have to cut out all our tongues, cap all our pens. Therefore, plainly, no so-called "group libel" statute could possibly serve to block a demonstration that Nazis or other fanatics were determined to hold.

Since punishment after the fact is the most such laws can threaten, and since the central question in the Skokie affair is whether the Nazis are to be permitted to demonstrate, it cannot be, as Ms. Walker suggests, that the potential for group libel is the "very basic point" missed by the defenders of the right to march. That is why arguments of this kind (as her letter illustrates) slide quickly from the nastiness of the *utterances* to the nastiness of the proposed *program*. What really troubles so many is not that the Nazis will *defame*, but that they would, if they could, *exterminate*.

"Does free speech include the right to espouse and encourage and thus help to bring about mass murder?" Ms. Walker asks. Nazi blockers suppose the question rhetorical, its answer obviously negative. That is not so. The question raises very serious issues—but it is poorly framed, being both ambiguous and unhappily compound. Its confusion stems chiefly from the amalgamation of three fundamentally different kinds of action. Understanding their differences, and why differing verbs demand differing responses, is terribly important. Consider the three distinct questions:

(*1*) Have you the right to *espouse* mass murder? Yes, you do. The principles of free speech protect—and, we may proudly add, our Constitution protects—your right to espouse any opinions, any whatever. You may espouse even genocide—a fearful word used much too carelessly these days. The views you espouse are those you embrace as your cause—and you are free to attach yourself, privately or publicly, to any cause whatever, no matter how perverted, insane, or murderous others think it to be.

(*2*) Have you the right to *help bring about* mass murder? Certainly not. Acting as accessory to a murder, whether of one person or of many, is patently criminal. One who performs such acts ought to be quickly apprehended and firmly punished upon conviction.

(*3*) Have you the right to *encourage* mass murder? Here the act in question is simply not clear, and the ambiguity intensifies the confusion. If by "encourage" we mean to abet the actual crime, to conspire with those who proceed to do murder, to plan or direct their schemes or the like, the answer is clearly no. If by "encourage" we mean to advocate, to argue publicly in favor of mass murder, the answer depends upon the context in which that advocacy takes place. If presented seriously in a context in which some persons actually begin to execute what has been explicitly urged, the urging words may be said to become part of the actual crime. But if—as is the case in Skokie, surely—the context is one in which the advocacy of, say, the extermination of the Jews will be met with fury and contempt, no such felonies transpiring as the direct consequence of these words, the right to encourage in that sense is indeed protected.

The matter is muddied still further when Ms. Walker asks if one has the right "to encourage *and thus* help to bring about" mass murder. Conflating the verbs begs the central question. Would this advocacy help to bring its goals to pass? If Nazis in Skokie explicitly urge the killing of Jews, and if the murder of Jews follows directly from that urging, their speech may be properly criminal. The factual supposition is false, we know. More fundamentally mistaken is the supposition that, in every context, to advocate and encourage some course of action *is* to help bring it about.

"Logic-chopping!" One can hear the retort. But not so; these are not hairs being split. On the contrary, the difference between *espousing* and *bringing about* is the difference that makes rational self-government possible in a large community. To say that speech is free makes sense only so long as we are prepared to draw firm lines between words and the acts they are about. Only by making that distinction patiently and with restraint

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can we consider all the courses of action open to us, hear all defenses and criticisms.

"I am for free speech for everyone except those who would exterminate me," exhibits with a classic non sequitur the failure to make this distinction. After all, "I have the right not to want to be exterminated, don't I?" Let us hope that thinking of this kind will not come to characterize the reasoning of judges or of citizens. It certainly does not follow from the fact that certain acts are criminal or beastly that persons who espouse a political program including those acts should lose their right to speak freely. Planning and engaging in mass murder is conduct essentially different from laudatory talk about it. Even healthy outrage does not justify the failure to make that fundamental distinction.

There are contexts in which the line between speech and overt deed is very hard to draw. Problematic, for example, is the case of the unruly mob under the spell of a charismatic orator whose words are general and provocative, while their subsequent acts in his spirit are specific and destructive. Or consider cases in which the deed is physical (say, burning a draft card) but the clear point of it is to convey an ideological message publicly. In fairness, all will agree that the theoretical distinction between speech and action cannot by itself neatly resolve all borderline cases. Applying principles to difficult fact situations is the job of the courts. But the case of a public demonstration by American Nazis is nowhere close to the borderline. That their march and symbols now will later prove to be integral parts of clearly criminal acts of assault or murder in suburban Chicago is not a tenable claim. Seeing that, we must bite our lips and let them speak.

If we extend free speech protection to them, Ms. Walker asks, do we not "equate, within the free speech context, the political views of Communists with the political views of those who would eliminate whole peoples because of attributes received at birth?" Properly sensitive to a genuine danger, her mistaken response to it flows again from a failure to make a critical distinction. Assuring two different political parties the same right to speak is not for a moment to suppose that they have been equated, or are equals in anything more than that they are parties. We certainly do not equate their positions, any more than we equate the views of the Communist Party with those of the Republican Party by insisting upon their equal right to be heard. Indeed, we hear them partly in order to learn how and why they are not to be equated.

But "in the free speech context" we do of course give them equal protection. That is not a judgment of their worth, political or moral. It gives no legitimacy or support whatever to any of the programs advanced by either. Judgments of worth come after presentation, not before. Those who suggest that any degree of approval is conveyed by this protection are plainly mistaken in fact; more fundamentally they are mistaken in supposing that some person or group is authorized to screen all political parties in order to decide in advance which of them deserve the "approval" of public consideration.

That brings us to Ms. Walker's final plea: that we educate the people and the courts "to distinguish between restrictions on political speech and restrictions on group libel and the advocacy of mass murder." If that unhappy task be undertaken, who shall be the educators?

As a serious, factual report—not to deride Ms. Walker, whom I respect—I observe that the most successful recent instructor of country and courts along the lines she suggests was Sen. Joseph McCarthy. I refer not to his corrupt uses of power, or to his pernicious insinuations. The core of McCarthyism goes much deeper than those. Senator McCarthy operated in a rational framework, but one having a dreadful foundation. Much of his behavior was based consistently upon the premise that it was his job to protect decent folks from certain parties and persons whose objectives were so evil as to be unworthy of any hearing. McCarthy's conception of evil we may not share; but in his moral arrogance he really did seek to educate us and the courts to distinguish between acceptable views and those whose public defense is not tolerable.

He and his kind (there will always be those eager to offer such instruction) are not to be answered by showing that the views they hate are not so bad after all. They may be as bad as McCarthy thought the Communists, or we think the Nazis. But if we respond by insisting only that McCarthy was fighting the wrong demons we will be obliged to conclude that—once we have identified the right demons—McCarthyism as method is all right. If we would expose the fundamental corruption of McCarthyism we must insist that all political demons, *bad as they are,* retain the right to public speech. The task, most assuredly, is not to "educate" the courts or people to screen out bad ideas for obliteration, but to strengthen the determination of courts and citizens to distinguish freedom of thought from freedom of action, permitting no laws whatever to abridge the former.

If the Skokie ordinance making group defamation criminal is ultimately upheld, and if such statutes spread, we will have placed in the hands of the legislative branch the authority to regulate the right of free speech, and that, as Justice Douglas said in his dissent in *Beauharnais,* is an ominous and alarming trend. He wrote:

> The free trade in ideas which the Framers of the Constitution visualized disappears. In its place there is substituted a new orthodoxy—an orthodoxy that changes with the whims of the age or the day, an orthodoxy which the majority by solemn judgment proclaims to be essential to the safety, welfare, security, morality, or health of society. Free speech in the constitutional sense disappears. Limits are drawn—limits dictated by expediency, political opinion, prejudices or some other desideratum of legislative action. [p. 285.]

Minority groups which believe these statutes to be their victory will profit from a longer view; it is they—blacks and Jews—who will be the victims, sooner or later, of political orthodoxies enforced by law. That is a price far too high to pay in order to repress a few half-lunatic Nazis. □

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THE MIND OF A TORTURER

A.J. LANGGUTH

It may be to mankind's credit that when the subject of torture arises, most of us immediately picture ourselves as the victims. We ask: how much pain could I take? What would be my breaking point? Who would I betray when the agony got unbearable?

As for the torturers, we are content to pass them over with a question for which we expect no answer: how can one human being do such things to another? We come to regard torturers as men apart, defectives born, as it were, without a heart or a brain. When Hannah Arendt tried to tell us otherwise, we resisted her message. Frightening as it may be to imagine being a torture victim, it is worse —intolerable—to imagine oneself with the whip or electrode in one's own hand.

Over the last three years, collecting material for a book about the U.S. police program in Latin America has brought me in contact with torturers, men who either oversaw and condoned the pain or who actually inflicted it. Their motives and temperaments, I found, were as diverse as the makeups of the revolutionaries and leftists they tortured.

In some cases, the torturer was indeed a sadist, known as an implacable brute even to his fellow police or military officers. Such a man could achieve a certain renown. One torturer in a Brazilian prison was called "Dr. Bottleopener" by colleagues and prisoners alike for his ability to extract information from the most resolute suspect. Dr. Bottleopener also had demonic energies to draw upon. Most interrogators found that beating a prisoner was work as hard as beating a carpet, but this man could go on for five and six hours and give no sign of tiring. His secret was rumored to be amphetamines.

Men like that are the freaks, the exceptions, acting out some quirk of pysche on the backs of strangers. They are as committed to a personal revenge as was Andreas Baader, who disrupted West German society from what appears to have been only the sketchiest political motive. Ultimately, these driven men teach us less than do the men who make choices. Che Guevara, Carlos Marighela, Raul Sendic of the Tupamaros not only chose revolution; they could give their reasons for that decision. Throughout Latin America, hundreds of policemen and military officers have chosen to torture, but there is a difference: those men have usually had their reasons given to them.

And the main exporter of cold-war ideas, the principal source of the belief that dissent must be crushed by every means and any means, has been the United States. Our indoctrination of foreign troops provided a justification for torture in the jail cells of Latin America. First in the Inter-American Police Academy in Panama, then at the more ambitious International Police Academy in Washington, foreign policemen were taught that in the war against international communism they were "the first line of defense." That was, in fact, the title of a widely shown training film that presented the police of mythical "San Martin" combating the subversion of a less imaginary "Maoland."

"There was no doubt why we were in Panama," a Brazilian police colonel—who fully endorsed the U.S. program—told me. "They talked about improving our efficiency but the real purpose was to warn us about Communist infiltration."

As we know from the diary of Philip Agee, the former CIA officer, whenever the Communists were sluggish in creating a menace, the CIA undertook the job for them. In one instance, Agee's CIA section in Uruguay fabricated evidence of a plot between the Soviet Embassy and some Uruguayan labor leaders and arranged for a friendly politician to make this false material public. Whatever the Communists were actually plotting in a country like Brazil in 1964—and the evidence to date suggests their effectiveness was not great—the police of the continent were told repeatedly that Armageddon was at hand and that the job of saving their nations had fallen to them. Meanwhile, at the army schools of Fort Leavenworth and Fort Bragg, and elsewhere, Latin America's military officers were having their heads turned with the same rhetoric.

For a police officer, particularly, the attention was intoxicating. The job of a policeman is not enviable in any country; in Latin America he was near the bottom rung in both pay and prestige. Uruguay, an exemplary democracy in the middle 1960s, paid its beginning patrolmen $36 a month.

From its beginning in 1954, the U.S. attempt to train and upgrade foreign policemen had generated controversy in Washington. Within the U.S. aid program the economists, especially, considered it improper to make the police of volatile countries more efficient when their new skills could one day make them more repressive. Even the head of the police training program, a CIA alumnus named Byron Engle, agreed that, given the demands of their jobs, the military and police were likely to be among a country's most conservative elements. As it turned out, the U.S. training turned already conservative men into political reactionaries.

Another danger to the program was also passed over. The State Department officially supervised the training, but at the higher levels no one discussed the difference between training police for a democracy—for example, Brazil before 1964—and for a military dictatorship such as Brazil became that year when its civilian President was deposed. But if the State Department was obtuse on this point, the CIA was not. From the first, the police advisory program had been an effective cover for CIA officers, and they celebrated a victory whenever a country, whatever its political system, could be induced to accept U.S. advisers.

Because the Brazilian military had no popular support, it soon turned to tough measures to retain power. These

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crackdowns in turn provoked greater resistance, until by 1968 repression and rebellion had become the twin faces of a vise pressing ever tighter on Brazilian society. How to break that cycle? Burke Elbrick, the U.S. Ambassador, was kidnapped by Brazilian rebels in 1969. During his four days of captivity, he remonstrated with the rebels: you are going about your protest in the wrong way, he told them. Violence never solves anything.

They answered: the army, supported by your country, has taken away our rights. We have no freedom of speech or expression. We have no free press or trade unions to represent the aspirations of our people. We have no elections, no forums. If we want to change things, violence is the only way.

Telling me the story years later in the safety of his club in Washington, D.C. Elbrick shook his head. Not only had he never come up with a satisfactory rejoinder, but his undisguisable sympathy for his young captors had forced him into early retirement. But if Elbrick, arguing with these men in person, could see them as patriots, however misguided, the policemen who later captured them never achieved that detachment. To the police, the rebels were thugs, hoodlums, Communists. Their daring bank robberies and other strategies were an embarrassment to the regime and a dangerous example to other potential dissidents.

Elbrick's story did not end tragically. He was released because the Brazilian Government agreed to trade fifteen political prisoners for him. But the hard line, particularly within the Brazilian Air Force, protested the exchange and called on the government to take out one of the designated fifteen prisoners every hour and shoot him. Keep to that schedule, they said, until the Ambassador is released. And if the terrorists respond by killing Elbrick, that is still preferable to the humiliation of bowing to terrorist demands. That mood persists among some uniformed men and civilians, as the world saw lately in Italy.

But even when they are less unyielding in a hostage situation, the police and military consider themselves forced to take other implacable measures. They know, for example, that to counter a dissident group, they must move quickly. Revolutionary cells are small: when a member disappears, his colleagues regroup, move quarters, change identity. If a sweep cannot be accomplished within twenty-four hours, the chance of rounding up a suspect's accomplices all but vanishes.

That timetable presents the police with a dilemma. At the International Police Academy in Washington, closed in 1975, they were taught that torture was a bad tactic. Leaving aside morality, news of torture always got out and discredited a government that used it. But Brazilian police knew that such homilies were meant for public consumption.

Back in Brazil, the U.S. police adviser could be considerably more relaxed; he could join in the constant griping—about the world's press, so ready to criticize any anti-Communist actions; about the hypocrisy of higher-ups, who demanded results from the police but took care to maintain their own deniability.

By 1968, the pressures on the governments of both Brazil and Vietnam were intense. Through the police advisory program, information was traded on the most efficient ways of getting information quickly from a prisoner. The best methods did not require lavish equipment or advanced technology. A field telephone of the sort the United States had sent by the hundreds to Vietnam and to Brazil could produce an excruciating electrical shock.

The more sensitive the part of the body, the greater the pain and the sooner a man or woman would give up information. The result was wires in the mouth, around the penis, up the vagina and into the anus. To make the pain even more intense, the prisoner's body could be lightly washed with water. According to former prisoners, the torturers betrayed no embarrassment at applying the wires to the genitals of a male revolutionary. It was a job. When the victim was female, though, there was more skittishness and excitement in the air. The head of the base on the Isle of Flowers near Rio de Janeiro, an officer named Clemente Monteiro, visited the torture room more often when women were being questioned. Monteiro later became head of the National Police Academy in Brasília, a school built with U.S. aid. He was only one of the Brazilian officers whose career was advanced by a willingness to gain intelligence through torture.

Many of the victims were puzzled by the sudden shifts in mood of which their torturers were capable. Beginning a beating, a sergeant would shout, "You son of a whore! You bastard," working himself into a frenzy as he laid on the wooden paddle. But then there might be a telephone call. He would cross the room, his face falling into tender lines as he prepared to speak with a wife or mistress. The call ended, he'd come back to shout and beat again.

Recently Elio Gaspari, the political editor of the *Jornal do Brasil*, has suggested that, deep in his mind, the torturer has known there was no genuine Communist threat or anti-Communist crusade; however, he needed to pretend to believe in order to do the job the state had handed him. Gaspari's article, although impossible to publish before President Carter's election, did carefully limit its observations to such countries as Chile and the Dominican Republic, but the Brazilian victims I interviewed would agree with Gaspari's insight.

One torturer, for example, sought out a young revolutionary in his cell to say that, when the Socialists came to power in Brazil, he would offer them his services as a torturer so that they could repay their enemies. I'm simply a professional, the man explained. Some years earlier another intelligence officer, particularly brutal in the torture room, had ridden along to Algiers with prisoners who were being traded for yet another kidnapped diplomat. Bidding his victims goodbye, he was surprised by their coolness. You know, he said, nothing we did to you was ever personal.

That sense of charade, with no real harm done, came through most clearly during the nightmare visited in Brazil upon Murilo Pinto da Silva, who was an exhibit in a torture class. With five other prisoners, he was marched before a roomful of young military officers. Presiding over the gathering was Lieutenant Aylton.

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A withdrawn young student, Murilo had conceived a peculiar regard for Aylton at the prison of Vila Militar. The officer seemed so sure of himself, so debonair. Now here he was in front of eighty fellow officers, regaling them with wit and charm as he demonstrated the best ways to torture a suspect. Murilo felt that he got off comparatively easy that afternoon. He was forced to do no more than stand on the cutting edges of two open tin cans. Sometimes that torture was further refined by making the prisoner lift a heavy object above his head in one hand. In that variation, and in tribute to their U.S. allies, Brazilian intelligence officers called the torture "The Statue of Liberty."

But on this day, the severity of the electric shocks caused a prisoner named Mauricio to faint and fall forward. The officers in the front row laughed and pushed him away, and it was their laughter that remained most vividly with Murilo, long after the soles of his feet had healed. He remembered thinking, I am suffering agony, and these men are having the time of their lives.

Years later, when Murilo saw Costa-Gavras's *State of Siege*, he wondered why the director had portrayed the class as being hushed and solemn, the men taking notes diligently as the actor playing Aylton demonstrated each new technique. The laughter had been the worst part, and the movie missed it.

The laughter confirms the lesson taught again in Vietnam, that soldiers find it necessary to dehumanize their enemies. Either they make them bigger than life, fiendish butchers, or smaller—"slopes," "gooks." Long after he left Vietnam, Gen. William Westmoreland was still telling interviewers that Orientals put a lower value on life than do we in the West. A former U.S. police adviser I ran across in Latin America held a similar opinion: he assured me that some prisoners did not feel pain.

They could be tortured, he said, and never speak because of that insensitivity. With them, psychological techniques were more effective. So children were brought to prisons to stand in the room and watch their parents tortured. And tapes were prepared, terrible wails and screams, that a prisoner heard from next door and was assured were the sounds of a wife or parent being punished for his crimes.

The torture went on, even flourished. In Brazil, the worst period ran from 1968 through 1972. In that latter year, Brazil ceded supremacy to Uruguay; a year later, to Chile. An ever widening circle of military and police officers became implicated, and for that reason liberals in Brazil today play down the prospect of future vengeance. If all the young sergeants and captains believe that they will one day be called to account for tortures they performed or oversaw or condoned, then it will take still longer for democracy to return to Brazil.

One literary man told me of plan that he and his colleagues had broached to less obdurate members of the ruling junta: return to us the right of *habeas corpus*, no more than that, they proposed, and we will press for an amnesty within our circle, an understanding that as the political climate improves, we will not demand retribution against the torturers. Justice might not be served by such an agreement but Brazilians are pragmatic and to the fragmented Left it has seemed that for now it can do no better.

(The literary man proposing that compromise was himself once subjected to an ingenious indignity. On his arrest for unstated crimes, he was led to a prison courtyard to be confronted by hundreds of army men. As his name was called out, they shouted back in unison, "Enemy of Brazil!" The exercise seemed to raise their spirits more than it demoralized his.)

Of the police and military men with whom I spoke, one Brazilian officer seemed to exemplify the psychology of the torturer. A Brazilian student leader exiled in Paris had given me the full name, rank and detailed description of this man, who had joined in the student's merciless torture. Brazilian interrogators, it seems, were often careless. During a torture session, they put masking tape over the name plates on their uniforms; but later, around the cells, they would forget and leave their names exposed. They would be lax, too, about blindfolding a prisoner, sometimes waiting until he had seen their faces before remembering to cover his eyes.

From inquiries in Rio, I learned that this officer, who had used the alias of "Dr. Mike," was now in Brasília on the staff of SNI, the national intelligence service. Upon flying into the capital, I phoned him. He was a graduate of classes at Fort Bragg, and spoke good English.

I said I wanted to talk with him about CENIMAR, the Brazilian Navy's intelligence operation. I said nothing about torture. "Why must they continue to persecute a man who was only doing his duty for his country?" he asked.

I repeated that I wanted to speak with him about intelligence gathering. It was not possible, he said, but he asked where I was staying. A few days later he showed up in the hotel lobby and suggested we talk in a quiet place. I guided him to a patio on the hotel roof. We took chairs at a table overlooking the city's forlorn geometry.

He was powerfully built, of German descent. After explaining that he had not received permission from his superiors to speak with me, he asked that I not quote him by name. That agreed, he readily answered my questions about his background and schooling. Finally we came to CENIMAR and its torture chamber on the Isle of Flowers. There is a confusion, the man said. Another man with the same name worked there. He apparently called himself "Dr. Mike."

Ah, I said. Another man.

Yes, a very brave man. A wonderful pilot. He was stationed at CENIMAR.

In that case, I said, he might be a useful person for me to look up when I return to Rio.

The heavy, homely face grew sad. No, I would ask that you do not do that. He has fallen on bad days. A brain tumor, I am told. If you were to question him about his past, it would only remind him that he is not the man he once was. We talked a bit longer. He rose, shook my hand formally and said he hoped he had cleared up my confusion.

One man. But there are hundreds of others in Brazil and still more hundreds throughout Latin America, men who dread the day when they must convince their countrymen that they are not the men they once were. □

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BOOKS & THE ARTS

A Storyteller's Appreciations

THE EYE OF THE STORY: Selected Essays and Reviews. *By Eudora Welty. Random House. 355 pp. $10.*

ROBERT B. SHAW

The American novelist as critic is a rare species in the modern period, and one wonders why this should be so. It has been otherwise with American poets: beginning with Eliot and Pound, going on to Ransom and Tate, and then to Berryman, Schwartz and Jarrell, one pauses well before the end of the list feeling that it would be harder to think of major poets who have *not* written criticism. Among novelists, for whatever reason, there has been far less sustained application to critical issues, theoretical or practical. Moonlighting for poets means writing a critical essay; for a novelist it means writing for the movies. It isn't that simple, of course; there are exceptions for which readers are bound to be grateful: the fiercely clarifying essays in Flannery O'Connor's posthumous *Mystery and Manners*, or the canny and erudite reviews John Updike contributes to *The New Yorker*, which lately make more satisfying reading than his fiction.

But we have only interviews to tell us, sketchily, what Faulkner and Hemingway thought they were doing, and what they thought about their fellow craftsmen; and that, no matter how you cut it, is a loss. When a novelist can articulate what he knows by feel, he calls criticism down out of its self-generated clouds. This is the welcome service rendered by Eudora Welty's selection of essays and reviews, *The Eye of the Story*. It could as justly have been called *The Eye of the Storyteller*. In criticism as in fiction, Miss Welty's observations are blessed with a dazzling accuracy; her sight penetrates to the point of insight.

The contents are ranged in four sections, each of which provides its own distinctive pleasures. First comes a series of discussions of writers who have for Eudora Welty an exemplary, even a tutelary status: Jane Austen, Henry Green, Katherine Anne Porter, Willa Cather and Chekhov. There follows a group of essays "On Writing"—the sort of carefully considered shoptalk we often wish for from novelists and rarely get. Part Three is a catholic selection from more than thirty years of book reviewing, treating authors as disparate as Virginia Woolf and S.J. Perelman, E.M. Forster and Ross Macdonald. The final group of "Personal and Occasional Pieces" offers revealing, memorable glimpses of the world in which Eudora Welty's own fiction has its roots.

The essays on favorite writers employ a mode not much in use nowadays: they are what used to be called appreciations. There is no pretense on Miss Welty's part of impartiality: she has a frankly passionate love of the work of these writers, and her enthusiasm as she discusses them can become incandescent. It is at first disorienting, given one's present-day expectations of criticism, to read these evaluations. I recall thinking on first reading some of them how strange they seemed, and then realizing that they seemed strange because the author was acknowledging in the most forthright way her love of what she was writing about. Critics lately are not much disposed to wearing their hearts on their sleeves; it is often assumed that critical rigor is best employed in the finding of fault, and that wholehearted admiration reflects a slackening of attention.

Miss Welty's appreciations prove that a sympathy with the subject need not blur the critic's discernment, and may in fact focus it on what is central to the achievement under study. She touches something essential, for example, when she writes of Chekhov's formal innovations:

> This freeing of the form came from the deeps of his temperament . . . The abhorrence he felt toward coercion in human affairs must have had its own part in clearing away the confines of arbitrary plot, manipulated characters. As the grandson of a serf, who had "squeezed the slave out of himself drop by drop," Chekhov knew all the better what it meant to make himself free as an artist.

Equally illuminating is her treatment of Willa Cather's novels "as a landscape":

> There is the foreground, with the living present, its human figures in action; and there is the horizon of infinite distance, where the departed, now invisible ancients have left only their faint track, cliff dwellings all but disappeared into thin air, pure light. But there is no intervening ground. There is no generation preceding the people now here alive to fill up the gap between, to populate the stretch of emptiness. . . . There is no middle distance; the perspectives of time and space run unbroken, unmarked, unmeasured to the vanishing point.

And this analysis becomes yet more convincing as it develops into a contrast of Willa Cather with Faulkner, an author whose work "is packed most densely of all at the middle distance."

The book reviews are in many cases as keenly perceptive as the longer essays, and in all cases but one they are as positive in their judgments. The exception is Arthur Mizener's biography of Ford Madox Ford, which Miss Welty finds hard to forgive. Characteristically, she identifies the biographer's chief problem as a settled incompatibility with his subject, a bias as damaging to the book as its "coarse-grained prose."

> A good ear would have helped the biographer and critic of Ford almost as much as a deeper feeling for the man and his work: perhaps the two qualities are related. This calls insistent attention to itself, for situated among the paragraphs of Mizener are the many quotations from Ford. To read while they alternate is like being carried in a train along the southern coast of France—long tunnel, view of the sea, and over again.

This is a palpable hit, and I must admit that I found myself perversely wishing, especially in the book review section, that Miss Welty had allowed herself such astringency more often. It would have provided this part of the collection with a not unwelcome variety of tone and texture. But I gather that her usual policy has been to let bad books sink of their own weight—a practice bespeaking good sense as much as forbearance.

If her essays on writers are celebrations of craftsmanship, of what admired predecessors have done, her essays on writing celebrate craft itself. These theoretical pieces have more than sufficient interest for the general reader; but for

Robert Shaw's first book of poems, Comforting the Wilderness, *appeared last October as a volume in The Wesleyan Poetry Program.*

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the apprentice writer they should be assigned reading. Allowing for some lacunae, they comprise in less than 80 pages a sort of basic writer's manual, everywhere lucid and concise, nowhere oversimplified. Perhaps the most valuable piece is "Place in Fiction," already well-known since its separate appearance. It is impossible after reading it to think any longer in clichés about "regional literature." That this discussion should come from Eudora Welty, whom many now think of as our greatest living regional writer, seems a pleasant irony. In this and in the surrounding essays her theorizing grounds itself in concrete examples sensitively chosen. As she says of Chekhov, Miss Welty "shows no fondness for the abstract," and her impatience with it leads her to find images both apt and memorable, like this one:

> Some of us grew up with the china night-light . . . The outside is painted with a scene, which is one thing; then, when the lamp is lighted, through the porcelain sides a new picture comes out through the old, and they are seen as one. A lamp I knew of was a view of London till it was lit; but then it was the Great Fire of London, and you could go beautifully to sleep by it. The lamp alight is the combination of internal and external, glowing at the imagination as one; and so is the good novel.

If there is any defect to be found in Miss Welty's critical pieces, it would be that, for all their brilliance, they labor in places under a tone of unleavened solemnity. One occasionally notices just enough constraint or wariness of manner to be reminded that for this author such writing is the work of the left hand.

This is a minor objection, and it does not apply in any way to the concluding section of personal memoirs and sketches. Here Miss Welty comes nearest to her own fictive art, in which comedy and deep feeling are so effectively interwoven. The memories of childhood in Jackson, Miss. or of a "pageant of birds" witnessed in a black church in the 1940s, are touching, funny and sad all at once. The fascinated description of Ida M'Toy, a richly eccentric former midwife who dealt regally in secondhand clothing, is on a par with Miss Welty's best short stories. "Let any prominent names be mentioned (and she mentions them), and she will fling out her palm and cry into the conversation, 'Born in this hand!' " The extensive stretches of Ida's amazing rhetoric which Miss Welty reproduces have to be read entire to be properly savored. They are skillfully interspersed by briefer, flashing glimpses of personality, as when Ida was feeling poorly and "a lady that was a stranger came to see her, Ida appeared, but said in haste, 'Don't tell me your name, for I'm resting my mind. The doctors don't want me to have any more people in my head than I got already.' " And there are longer, contemplative views:

> It is nice on Saturdays to pass in front of Ida's house on the edge of town and see the customers emerge. With some little flash of scarf, some extra glitter of trimming for which they have paid dearly, dressed like some vision in Ida's speculations on the world, glorious or menial as befits their birth, merit and willingness, but all rampant and somehow fulfilled by this last touch of costume as though they had been tapped by a spirit when Ida's thimble rapped them, they float dizzily down the steps and through the flowers out the gate; and you could not help thinking of the phrase "going out into the world," as if Ida had just birthed them anew.

In the last piece in the volume, which appeared as preface to a collection of snapshots she took while working for the WPA in Mississippi in the depression, Miss Welty writes of how her camera began to teach her "a story-writer's truth: the thing to wait on, to reach there in time for, is the moment in which people reveal themselves." This led her to determine early on that her aim in art "would be not to point the finger in judgment but to part a curtain, that invisible shadow that falls between people, the veil of indifference to each other's presence, each other's wonder, each other's human plight." I closed this book thinking that in it, as in her fiction, the job had been well done, the moments of revelation, after the patient, necessary waiting, captured in order to be generously shared. □

The Power of the Obvious

BETTER TIMES THAN THESE. *By Winston Groom. Summit Books. 411 pp. $10.95.*

GENE LYONS

Writing a novel with one eye on posterity can be a tempting, and in some ways a dangerous enterprise. There is the question of voice. The commonplace allegation today is that the public side of life is amply treated by journalists and motion picture cameras: to compete, if not to survive, fiction must give us the private point of view, the peculiarly imaginative, the schismatic if you will. Persons whose tastes are educated in that assumption will find Winston Groom's tone unsettling at first: "In nineteen hundred sixty-six the dark specter of war was moving across America, vexing the spirit that had conquered the tyrants of Europe and Asia. In plush offices and hushed marble corridors of official Washington, older men, many of whom had never heard a shot fired in anger, spoke boldly of defeating Communism and establishing freedom and independence for the peoples of Vietnam." The clichés ("the dark specter of war," "hushed marble corridors," even "freedom and independence," etc.—is it ironic or flatly descriptive?) remind one of Allen Drury, perhaps at best of James Jones, to whom the novel is dedicated. Are we ready, should anybody ever be ready for this kind of mountaintop, or buzzard's eye view of Vietnam in a novel?

Better Times Than These is ambitious in much the same way that *The Young Lions*, *The Naked and the Dead* and *From Here to Eternity* were ambitious, which is, in its turn something like the way Hardy's *The Dynasts* sought to clarify the gods' indifference to man. Perhaps that is a roundabout way of indicating that the novel's point of view is collective rather than individual: the voice that narrates the opening sections speaks in the third-person plural of what "the men" or "everybody" or "all of them" see, think and feel in the hours before the Seventh Cavalry embarks from Oakland on a troopship bound for Vietnam. But I think it is more than that. Implicit in the book's scale, and in the somewhat familiar invocation to the muses of the military novel is a promise. The promise is of a measured descent to the particular: that given the collective point of view, the larger, more abstract forces of public policy, we will come to understand the private lives and individual fates of soldiers as they are affected and determined by those forces. Military order and degree, it is assumed, will lend to the enterprise a touch of grandeur and sweep. Here is how it works:

> Word came down shortly after the fog lifted that Bravo Company was to get into formation to go aboard. The men were told this by the noncoms, who had been told by the platoon leaders, who had been told by the Company Commander and the Executive Officer,

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who had been told by someone else up the line to have the men pick their weapons and put their helmets over their bald-shaven heads and get ready to move out; but of course they didn't actually move out for another hour and a half.

Quite directly the reader is introduced to Pvts. Homer Crump of Tupelo, Miss. and Louis DiGeorgio of Bayonne, N.J. As they wait on the quay DiGeorgio gives Crump the edge of his Jersey tongue and the readers an appreciation of the vast and multiple implications of eating a tangerine. Crump's feelings are hurt.

> "You always makin' fun of me, ain't you, Dee-Gergio? You et the tangerine, didn't you? Then you make fun of it. You bolo on the rifle range and I help you get a rating and you make fun of that too. How come you don't never like nothin' Dee-Gergio? . . ."
>
> " 'Cause yer gonna get yer ass shot off over there and all ats gonna be left is a buncha stinkin' fruits, that's why, Crump. Whatdayathink we're goin' to here—a fuckin' picnic? Ya want 'em ta pack us a box lunch or sompen? Ol Charlie starts shootin', what'll you do? You'll be runnin' around handin' out fuckin' tangerines. . . ."

Given the genre, I think many readers will have mixed feelings about such passages, as I do. On the one hand it is effective, in part because of its very familiarity; on the other it is a bit embarrassing.

As "The Voyage," the novel's first section, proceeds, one has many occasions to feel similarly ambivalent. One by one, as the troopship weathers a typhoon and makes its ominous way across the Pacific, Groom introduces characters and provides flashbacks to their civilian lives that seem concocted out of the army novelist's handbook of Significant American Types: Lieut. Frank Holden of Fifth Avenue, son of a stockbroker and former No. 1 tennis player at Princeton; Lieut. William Kahn, a Jew from Savannah who was working on a Ph.D. in geology when called and who wonders why he is going; Lieut. Victor Brill, a vicious and possibly deranged expellee of numerous private military schools; Lieut. Stephen Sharkey, ex-college football star; Col. Jason Patch, a career man who holds in awe his Seventh Cavalry predecessor of a century ago, General Custer; the admirable Sergeant Trunk, hero to the men; Pvt. "Spudhead" Miter, whose father, a Congressman, dictates patriotic encomiums through his secretary but locks the refrigerator when his son comes home; Pvt. D.C. Carruthers, a black man from Savannah who knows Lieutenant Kahn, although Kahn doesn't know him. Most of them leave girls and women of similarly varied persuasions at home: readers can anticipate with curiosity who will get the "Dear John" letters, who will conquer his fears and become a hero, who will shame himself and betray his comrades.

Groom seems deliberately to avoid stylistic novelty in the interest of communicating broadly to a broad audience. Boarding the transport ships in California the troops look back at the buses that brought them to the harbor "in much the same way as a prisoner on his way to the electric chair might glance back at his cell"; arriving in Vietnam, we are told that "except for a sense of dark foreboding among the men on board, it was the picture of tropical paradise." Later on there are frequent outbreaks of sheer journalistic prose:

> The fact of it was that while potatoes were the immediate complaint, the incident was the culmination of deep-seated frustrations endured by the Company following the appearance of an article in a national newsmagazine which had been circulating around the Brigade for about a week.

Even so, after a time *Better Times Than These* begins to fulfill its promises, to gather by its very refusal, or failure to be clever a kind of incremental force. Among other things the novel is very well plotted. There are no loose ends. Despite a certain defiance of probability—how many companies, after all, included Congressmen's sons, platoon leaders who gained television notoriety by refusing orders to assault a mountaintop and became the subject of a court martial for atrocities committed against Vietnamese and whose fiancées were pictured in *Time* after jilting them for professors in the anti-war movement?—the steadiness, the integrity and even the dispassion of Winston Groom's vision of the war begins to qualify, if not quite to cancel entirely, one's reservations about its style. But "one," I suspect, is not Groom's audience any more than it was James Jones's.

Colonel Patch talks like this:

> "You will remember . . . that in this operation we will be the pursuers, not the pursued. . . . What we will pursue, gentlemen, is asses—North Vietnamese asses and Vietcong asses. These are the same asses the Seventh Cavalry has pursued for exactly one hundred years.
>
> "All of these asses, . . . Indian asses, Cuban asses, Mexican asses, Japanese asses and Korean asses—have one thing in common, gentlemen: whenever they have been pursued by the Seventh Cavalry, these asses begin to shit, and the Seventh Cavalry has followed the smell and kicked the last remaining ounce of shit out of them."

Everything follows from there, as well as from the troops' reduction of their

MT. TAMALPAIS, "THE SLEEPING WOMAN"

The cliffs are the wrinkled brown shirt
of a woman resting, plunging
into the blue depths of sleep.
Fish are her dreams, ugly ones
with headlights built into their foreheads
or with no eyes at all.

I walk along her back.
The wrinkled brown fabric is lichen
growing between the rocks.
Dried kelp is her hair;
her shoulders and throat, granite.
Her snoring voice is the waves,
reaching up out of sleep.

She never moves, maybe she's ill.
Indians could revive her, chant,
bring down clouds to keep her warm,
but they've forgotten how. Some day
she will shriek like a foghorn,
rolling over the towns around her
down into the bay, the deepest part
where there are no fish,
no dreams, no sleep.

Paul Minx

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government's propaganda: "Grab 'em by the balls; their hearts and minds will follow." Some will no doubt contrive to read into the book a defense of Lieutenant Calley. Indeed one could be constructed—almost—from the materials at hand. The other side, after all, confronted the Seventh Cavalry with a ground-level policy of combat by atrocity. The worst of American *planned* atrocities, after all, were conducted by air, and accomplished by men who were never on the ground in the country at all.

In the end the very *obviousness* of what Groom tells us is made more rather than less powerful by the familiarity of the novel's form: "many of them were beginning to experience a deep sense of futility about what they were doing. So much of the killing today seemed meaningless; it was take one hill, move on to the next—two days later the enemy was back again on the first. It was killing for killing's sake. . . . Like the fragments of a satanic dream, the village of the Running Man, the Boo Hoo forest—even the ravine fight—were remembered clearly but with little connection to time or place." The novel has parallel climaxes, a trial and a battle. Just before the battle, which they have no idea is coming, the men of Bravo Company get word of the mixed fate of some of their number, from their point of view—and the reader's—equally culpable in the gang rape and murder of two suspected Viet Cong women. Some are punished severely, some not at all. "Those on trial had become sour martyrs of a sort. If no one was guilty, everyone was guilty; if everyone was guilty, no one was guilty. The shame existed on various levels." Those who survive emerge into a bureaucratic world of little deals and trade-offs providing them individual survival. Winston Groom has aimed at a large and broad audience. I hope he gets it. □

What Publishers Should Be Doing

NEW DIRECTIONS # 36. *Edited by James Laughlin with Peter Glassgold and Frederick R. Martin. New Directions. 184 pp. $12.95. Paper $3.95.*

IN THE FUTURE PERFECT. *By Walter Abish. New Directions. 113 pp. $10.75. Paper $3.95.*

ARRIVAL. *By Robert Nichols. New Directions. 54 pp. Paper $1.95.*

GARH CITY. *By Robert Nichols. New Directions. 88 pp. Paper $3.95.*

JEROME KLINKOWITZ

Forty-two years ago—an adult lifetime!—James Laughlin issued the first *New Directions* anthology. Even for the time (1936), his list of contributors was dazzling: Wallace Stevens, Gertrude Stein, Ezra Pound, Marianne Moore, William Carlos Williams, e.e. cummings, Henry Miller, and many others. It was a big, fat book about the size and shape of Hemingway's *For Whom the Bell Tolls* (later volumes would self-consciously compete with it), not the "literary magazine in book form" which its publicists call it today. Weighty in both physical form and content, *New Directions #1* had defined its role in terms of its adversaries, the "big publishers" whom Laughlin claimed were "not doing their jobs."

What should a publisher be doing? Laughlin, who had developed the *New Directions* series out of the literary section he edited for the Social Credit magazine, *New Democracy*, argued that the writing of poems and stories bore directly upon the social and political struggle. "Language controls thought," he wrote in his preface to the first volume. Because novel ideas must emerge from imaginative language, "experimental writing has real social value." Therefore "it is the poet—the word-worker—who must lead."

There's no doubt that Laughlin's choices have been leading American letters since the 1930s, and their special innovations are exceeded only by their editor's catholicity of taste. James Laughlin went on to publish Paul Goodman in 1940, Jorge Luis Borges and John Hawkes in 1949, and John Ashbery and Allen Ginsberg in 1953. Through the 1960s and 1970s his anthologies have given younger writers a place to grow, and the best of them inevitably make it to the parent firm's list where they are, for the most part, kept in print. As for altering social conditions, Goodman's case is self-evident, while Ginsberg and Borges certainly have had their influences on the ambiance of our daily lives and on larger questions of existence. Publishing Henry Miller all these years has also had its social impact, just as the forum provided for W.C. Williams helped create a new aesthetic as various and influential in later years as Gil Sorrentino's fiction and Frank O'Hara's poems.

Does *New Directions # 36* continue this tradition? Yes and no. There are some experimental writers here but their modes are not terribly adventurous; as for new writing, the volume is more useful in introducing poets such as Afrikaner Breyten Breytenbach and Hungary's Gábor Görgey to American readers (both are well-known at home). Laughlin is most vulnerable when we quote his challenge from *New Directions # 3* (1938) that his journal would feature otherwise unpublishable works. Today only Richard Kostelanetz's *Assembling* does this by collating carte-blanche contributions already printed by their authors. Contributors to *New Directions # 36*—Ginsberg, Anne Waldman, James Purdy, Octavio Paz, Gerard Malanga—can and do publish widely. Lesser names—Linsey Abrams, Christine Hewitt, Sherril Jaffe—have already appeared in more conservative journals such as the *North American Review*. So the innovative base of *New Directions* is no longer apparent. The Young Turks have gone elsewhere.

But Laughlin's other imperative can still be felt: this latest *New Directions* collection does work hard to publish a literature whose expression touches the creative impulse of our own lives. The great majority of poems, stories, drawings and essays printed here suggests that behind new ways to verbalize art are new ways to visualize experience even though the character of their experimentation is kept within bounds. *New Directions*, Laughlin wrote in 1938, is aimed at "the reader for whom the printed page is an exercise and not a soporific," and such active attention is repaid by the contributions to *# 36*.

The distinguishing quality of this latest number is that story after story, poem after poem shows writers finding fresh and novel ways to express experiences we'd thought were familiar. Paul West writes what must be the umpteenth war story, but makes it turn on completely unanticipated elements: crocodiles and ice. James Purdy, another veteran storyteller, uses painfully naive narration (the piece begins "How I Became a Shadow, how I live in the defile of mountains, and how I lost my Cock, By Pablo Rangel") to recount a simple tale of almost pure energy and emotion. Geoffrey Rips uses a familiar Spanish-American idiom in "I Explain Myself."

Jerome Klinkowitz will publish Writing Under Fire: Stories of the Vietnam War *with Dell this summer.*

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Alex Comfort
"Age Prejudice in America"

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One way or another all the fiction in this volume turns out to be confession or explanation, but always in striking, arresting terms. "My Father Was a River," Coleman Dowell explains in a story rich with deeply felt connections between a young boy's growing perception of his father and the things he encounters in nature.

The poetry works the same way, whether it be Allen Ginsberg sorting through the images he'll need to describe his father's death ("Old Poet, Poetry's final subject glimmers months ahead") or Gábor Görgey hitting us with disarmingly direct answers to our unasked questions.

The high points of *New Directions #36*, however, are its younger writers. Among them, Linsey Abrams and Geoffrey Rips are plainly ready for the New Directions list, and if the works from which these extracts have been taken are completed, Mr. Laughlin should get them into print. Abrams writes "On the Extinction of the Species / Regarding Six American Women in the 1960s," a half-dozen stylistic exercises on the theme of women who choose not to have children which make *Loose Change* seem like kid stuff. Rips, a native of San Antonio, writes about the city's Mexican subculture with a tough sympathy almost perfectly expressed in eminently readable prose. Christine Hewitt is tough in her own way, writing about her personal feelings and the loss of a loved one in absolutely chilling terms with every other sentiment suspended so that the starkness of loss can't be escaped.

Among the recent New Directions fall and spring releases are books by newer writers who've developed their styles within the semiannual anthologies. Walter Abish began here in 1971 and has flowered as one of America's leading experimental writers, the type of writer who will take us beyond Vonnegut and Barthelme. *In the Future Perfect* is his third book of fiction, and it amply displays his talents, from the language games of "Ardor/Awe/Atrocity" to the broader narrative investigations of "The English Garden," the story of a traveler visiting the site of a Nazi concentration camp where a planned community of the Federal Republic now flourishes. Abish's genius lies in probing the structures of relationships and the surfaces of our common environments, there to find the meanings which are too often smoothed over as our lives bend toward streamlined perfection. Into this Abish throws a monkey wrench and pulls us back upright, an act at once funny and instructive.

Robert Nichols is another discovery from the New Directions semiannuals, and Laughlin's firm is now committed to the publication of his tetralogy, "Daily Lives in Nghsi-Altai." The first two volumes came out this year: *Arrival*, which brings three Western reporters (Jack Kerouac, William Blake and the Cuban film maker Santiago Alvarez) to the curious Asian country which combines 21st-century technology with late medieval social structure, and *Garh City*, which displays the social state in action. Like Abish, Nichols has invented a new form for fiction, here expressed as lyrical anthropology, just the reverse of Carlos Castaneda's anthropological fiction. Within such a structure there is room for practically everything: Kerouac writes folk poems; Alvarez (a Marxist) undertakes sociopolitical analyses; and Blake marvels at (and communes with) the more natural elements of life in Nghsi-Altai. Geography, demography, sociology, political science and anthropology are all enlisted as vehicles for fiction, but the ultimate reference is our own social and ecological survival. And so this newest addition to the New Directions catalogue brings us back to James Laughlin's political intention of 1936: poets must lead the way.

A few words on the tactics of this series. It is not really a literary *magazine* in book form. Magazine-books, be they the *Evergreen* folios or the *New American Review* paperbacks, have been doomed to failure by having to compete with magazine space advertising or pulp distribution. *New Directions* is a book—the editor produces it, libraries catalogue it, and readers read it this way. Its print-run and physical shape resemble the New Directions novels and poetry collections published by its side, and its contributions reflect bookish influences: suggestions by older writers already in the fold, exploratory work from newer people hoping to buy in, and above all the presence of James Laughlin and his theory of socially effective literature. □

Serving Your Captives' Needs

A HISTORY OF RHODESIA. *By Robert Blake. Alfred A. Knopf. 435 pp. $15.*

PATRICK LAWRENCE

Related to Africa's great political and social reawakening but only partly because of it, the writing of African history in recent decades has displayed an equally exciting turmoil. And in the phrase made popular by the Mozambicans, *a luta continua*—the struggle continues.

For English-speaking readers, not surprisingly, these efforts have been centered among the British. It was the British who were the empire builders and the avid record keepers—and the creators of a long tradition of historical writing on Africa. In this they are rivaled only by the Portuguese. Indeed, in 1974, many of these historians gathered in Edinburgh to commemorate the 60th birthday of Basil Davidson, a journalist and historian whose efforts since the publication of his *Report on Southern Africa* in 1952 have led the way for the new historiography. The book that came out of this gathering, called *African Studies Since 1945* (Longman, 1976) offers a thorough look at past and present African history. Its title is worth mentioning because it justly implies a keen awareness of the period's break with the past.

Historical revisionism is not unique to Africa, but it is difficult to think of another place where current events and government policy are so closely bound to written history. Since World War II, some historians have portrayed central and southern African societies as dynamic and evolving entities, not as the timeless and changeless nonentities that the old historians wrote about. This permits what Shula Marks, one of the new historians, has very simply called "the African side of the story."

The myth of racial separation, most heavily promoted in what is now South Africa, is only the most glaring example of the effect this kind of writing can have. The historical separation of the races is the stuff of which contemporary South African policy is made, the ideological basis for everything from Bantustan development to pass laws, urban removals, segregated education—in short, the whole of South African life. But contemporary historians have established that it was interaction between the races, not separation, that was the social and economic norm in colonial history. Further, it is possible to trace

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the slow rewriting of history to support the myth of separation, a process that seems as methodical as the massive accumulation of legislation designed to enforce a supposedly traditional separation of black and white.

Rhodesia was deeply embroiled in the current phase of the guerrilla war when Robert Blake, the Oxford historian of the British Conservative Party and the biographer of Disraeli, wrote *A History of Rhodesia.* Published in London last year and reprinted in the United States recently, the book derives from an unabashed nostalgia for empire and for the old way of writing African history—a final attempt, while Rhodesia is still Rhodesia, at erecting a cultural barricade against the passage of an era, that, yes, some are still proud of.

In the early chapters of *A History of Rhodesia,* Blake does give the faintest nod to modern historical research in attempting a brief description of central African societies before the arrival of whites. But this is thin and mostly inadequate—it is rendered mainly insofar as it affected white penetration. And in the instance of the Ndebele, the most important tribe of the region in the late 19th century, Blake seems uninformed about recent work that describes the complexities of their social organization and the all-important role of the Ndebele warrior groups.

When the subject of African society comes up in later chapters, Blake often dismisses it by referring the reader to the work of some other historian. But by the sixth chapter, he allows himself to slip into a comfortable shorthand. On the Africans who signed concession agreements with white negotiators in the 1880s, Blake writes: "The African signatories were for the most part transient if not embarrassed phantoms, tipsy unstable rulers of shifting tribes with no fixed abode, incapable of binding their unpredictable successors. The concessionaries had no delusions on that score, but . . . the documents were a useful form of currency when eventually a diplomatic settlement was made and spheres of influence or protectorates were established." Or still later, on the gulf that came to exist between Africans and settlers in the postwar immigration boom, Blake notes, "Africans are not the best servants in the world, but even if they had been, the scope for muddle and misunderstanding was limitless when neither side could understand a word the other said."

Such utterances, which can be found throughout *A History of Rhodesia,* contain worlds of cultural assumptions. They function as a kind of signal, to locate sympathetic readers and to let them know that the author shares their values. History with such biases can be neither accurate nor popular. *A History of Rhodesia* reads as if it were written only to take its place on coffee tables in British Conservative households.

Blake stands firmly, anachronistically, in what is essentially a 19th-century historical tradition, recording history with almost no cognizance of African complexity, motive or social development —all characteristic blind spots in the tradition now being revised on a grand scale. Where Blake is good, therefore, is in writing about matters having to do only with white policy and strategy and having nothing to do with Africa or Africans. He distinguishes between "the colonial factor" and "the imperial factor," for instance, in a useful way. The former view held that "the north" —Rhodesia and elsewhere in central Africa—should be opened up by forces based in the Cape Colony. The imperial factor—which held that financial and military backing should come from London—lost out after 1880, when the British "forward policy" declined sharply, largely for economic reasons. Cecil Rhodes was a colonial, and it was as an exponent of the colonial factor that he gained the influence he did. His thrust to the north is thus well placed in the general framework of British global strategy at the time, and Blake writes with clarity about all this.

It is interesting, too, to place current Western policy in the historical perspective Blake provides. As he describes it, little has changed in ninety years or

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so. On British aims in southern Africa in the 1880s, Blake writes: "That continued to be the creation of a loyal self-governing union which could keep the Bantu chiefs in order, reconcile British and Afrikaners, and hence provide, at not too much expense, a stable hinterland for the naval bases on the southern coast upon which Britain's imperial security was believed to depend." In its modern incarnation, this latter remains as one of the West's great interests in maintaining friendly regimes in the area.

Blake also writes in extraordinary detail on minority politics in Rhodesia until Ian Smith's unilateral declaration of independence from Britain in 1965. The book was supposed to end there, but in a lengthy epilogue, the author comments fleetingly on events since the unilateral declaration of independence up to the launching of the current Anglo-American initiative by Andrew Young and British Foreign Secretary Owen last year. For the casual reader, it is an interesting summary from a Conservative viewpoint. Certainly, there are not many writers who take such a personal and detailed interest in the goings-on in the little world of white politics in Salisbury. Of black politics, of course, there is little to be gained. Blake's party in Britain seems to support acceptance of the "internal" settlement recently negotiated by Smith with three Africans. One cannot help but think of white negotiations with Lobengula, the Ndebele chief, ninety years earlier. Given Blake's account, it is small wonder that Conservatives find little to object to in the Salisbury pact. □

FEBRUARY MORNING

In an empty planter-box outside my window
apricot blossoms mix and lose themselves
in the drift of a late snow. White petals

go limp against the damp ice, then disappear
behind the windowpane fogged by my breath.
I lay back in bed, thinking of the dream

I have just left, confident that all dreams
are recurrent: as in death, when the life
that passes before us takes so little time.

Under sheets that stick to me like bandages
soaked to bring down a fever, my legs
cramp and twitch, and I am still running

from sleep, still falling behind.

Gary Young

ART

LAWRENCE ALLOWAY

On LaGuardia Place between Houston and West 3rd Streets is a freshly turned plot of earth, the new plantings protected by a trim modular railing. It is a pleasant greening of one of those barren zones, soured by generations of dog feces, that are emerging in New York. Unlike other new sites in the city the flatness is interrupted by terraces of small modeled hills, and clumps and chips of rock diversify the area. Looking east from the uptown end of the new garden one can see the big Picasso sculpture in Washington Square Village: among the high-rise apartments, a colossal but winsome girl's head.

The new garden is a work of art, too, a major statement of Alan Sonfist's theory of using "natural phenomena as public monuments" to quote an unpublished essay by the artist. He argues that our definition of a public monument should be revised according to our "expanded perception of what constitutes the community," including flora and fauna. Thus Sonfist proposes a form of public art different from the clearly delimited forms in special materials, of which the Picasso is typical. In addition to the traditional monuments to human activity and power he suggests that "the life and death of natural phenomena, such as rivers, springs, natural outcroppings, should be remembered."

The piece is called "Time Landscape" because of a clandestine allusion in the choice of plants. The flora is that of a precolonial forest of Manhattan: the work reconstructs the botany of New York, on site but of another period in time. The choice of flowers, bushes, and trees goes behind the Bicentennial and celebrates the early island, without irony, as an "isle of joy."

Sonfist has pursued the realization of this piece for ten years. In 1969 Thomas Hoving, then director of the Metropolitan Museum of Art, was interested, but dropped the project when the museum's architectural expansion into Central Park became the subject of criticism. Next, Finch College Museum offered the use of its garden, but in 1974, just as funds had been raised for the project, the museum went bankrupt. Finally the Greenwich Village Community Board backed what had begun to look like a floating project and it now exists in the first state of growth on LaGuardia Place.

The question comes up, why is Sonfist's work considered art rather than landscape gardening? The answer may have to do with the play of meanings, speculative and complex, in the work. Landscape gardening has its iconography, of course, but the investigation of meaning seems especially what artists do. For instance, in a chronology of "Time Landscape" he traced its origins back to 1950 when he was 4 years old: "planted my first seeds in a pickle jar and observed the growth" and, two years later, "planted seeds from the fruit I ate in the Bronx Park: my orange seeds did sprout." In one way this is personal to Sonfist, but in another way such intimations of growth processes are common to us all in childhood.

A restorative impulse is strong in Sonfist's work. As a child he played in the Hemlock Forest in the South Bronx, now defaced and littered with garbage. His distress at its present state contributed to the formation of "Time Landscape." He links the social and the autobiographical in his art. Two years ago, after the Greenwich Village Community Board accepted the project, Sonfist arranged an exhibition at 112 Greene Street in which he drew parallels between his own and Manhattan's early states, between childhood and the precolonial forest. There were engravings and quotations by early travelers: "the natives were clothed with the feathers of birds of various colors" and, of a drawing by Sonfist, his mother's comment: "We took Alan to Staten Island on his 10th birthday. He always did drawings on trips." The interconnections of the landscape and the artist's mind, of place and memory, have a lyrical ambiguity.

A few blocks away from the "Time Landscape," the Leo Castelli gallery has an exhibition of Sonfist's "photo collection documenting his childhood memories of the forest of New York." Here one can trace some of the roots of the

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"Time Landscape," episodes in the relation with nature upon which Sonfist's art rests. This has taken various forms from tree tracings to what he calls "element selections." In the former he wraps canvas around a tree and records the surface by rubbing, so that when the canvas is opened out on the wall the pattern of bark unfolds horizontally as an image that can be seen in one. In element selections he takes branches and twigs from the forest floor and transfers them from the ground to corresponding positions on a canvas. The canvas may be left on site to join in the cycle of nature or brought indoors, displaying the random beauty of the fallen parts.

In the 20th century there has been a good deal of art that is temporary or with evasive material limits, so that one is unsure of the exact boundary of art and environment. Much of this work, deriving ultimately from Marcel Duchamp, is urban-based, assuming the city as a setting or the products of technology as a means. Sonfist is unique in that his experimental aesthetic is keyed to nature. Only Robert Smithson among recent artists has revealed a comparable sense of the interaction of artist and nature as parts of a single system. (Incidentally, Smithson's writings, mentioned in this column in the past, are being collected for publication by the New York University Press.)

The "Time Landscape" should be available for prolonged consultation (unlike the photographs which will not be at Castelli after June 24). We shall be able to watch its cyclic changes and its progress, with the exotic character of its growth (flora from the past) becoming evident as it occupies the present more fully. It will be a reminder of the public monument as a changing not an arrested configuration. □

TELEVISION / Peter Sourian

There is still much to be said of NBC's *Holocaust*, though it has already been hotly debated. I found it good enough on the beginnings of the German anti-Jewish fever, up to *Kristallnacht*, and bad thereafter except for Babi Yar, the Warsaw Ghetto uprising and the portrayals, by excellent actors, of Reinhard Heydrich and his fictional henchman Dorf. There are usefully significant reasons why these things are at least passable, and why so much of the rest is cheap.

In order to speak of *Holocaust*, I first mention Alain Resnais's fine short film of the 1950s concerning the same subject. As I remember his *Night and Fog*, the camera passes over Buchenwald years after it has ceased to be Buchenwald—the camera passes over the growing grass while a narrator speaks softly of the time when this grass was not there. This film in its beauty provides a way to broach the issue of how art is to deal with atrocity, since art is by definition in some sense beautiful, and atrocity is not.

Night and Fog, then, is beautiful while concerning an ugliness of infinite magnitude. How can this be? It is so because the beauty resides emphatically not in the ugly event, which is only—and humbly—alluded to but rather in the human spirit in which that inhumanity is being contemplated. Resnais's film, however, depended on an audience of good will with a modicum of historical knowledge, and one capable of responding to abstract and symbolic modes of expression.

Holocaust treats of the same subject, but in a realistic or slice-of-life—and also dramatic—mode. This combination ordinarily requires individual heroes and heroines, yet once beyond *Kristallnacht* and the suicide of the Weiss grandparents, *Holocaust*'s subject is one whose major thrust cannot properly be with the beauties and flaws of individuals, since the virtues or weaknesses of any individual victims tend to be misleadingly beside the crucial point. Nor can the aesthetics of drama, involving conflict, seriously deal with the essence of the thing at its central point, that is to say, once Heydrich and Dorf are fully embarked on genocide. For the mass of victims there was no longer the possibility of human conflict—at the central point of the thing—since they had been radically deprived of human status.

The parts of *Holocaust*'s nine and a half hours which *are* excellent or at least passable, are so for specific reasons: in the opening segments it is because there are elements of dramatic conflict true to history and human life and which are most powerful in the context of ensuing events, just as Anne Frank's *Diary* is powerful in the context of her subsequent thunderous silence; in the Babi Yar scenes it is because the endless line of victims is seen in its impersonality, conforming thus with the dreadful reality; in the portrayals of Heydrich and Dorf it is because they are not helpless victims and thus depersonalized but are always in a position to *act*, and therefore viable dramatic characters; finally in the Ghetto uprising—in the case of the Jews this time—it is for the same reason, even if these scenes smack of the substandard Western movie.

Regardless of the relative legitimacy of such discrete elements, one knows why Elie Wiesel and other survivors whose lives have been committed to the torment of bearing witness have gravely reproached *Holocaust*. They have, as Wiesel wrote in *The New York Times* of April 30, an obsession "to tell what happened, *the way it happened*." (Italics mine.)

Yes, but who is listening? Not most of the more than 100 million people who watched *Holocaust*. For the mission of *Holocaust*, as I perceive it, was to inform those without any desire to be informed, at least not during prime time when we generally use TV as a cheap way to escape realities, not to face them. So, Gerald Green as author of *Holocaust* had to attract people in an escapist frame of mind to a real and repellent business. And thus, ironically, contradictorily, he had to make it in some sense or other *attractive*—itself and not his contemplation of it.

Since he was constrained as I have suggested by the nature of his behemoth audience from using poetical or documentary means, he was forced to be cheap and to cheapen. Green's *Holocaust* is thus, finally, false, yet it gets some of the important facts across, because in its falseness it moves the prime-time viewer who is otherwise uninterested, and carries him to the end. If it were not false, it could not do so.

That is a task of which Green's critic Wiesel is constitutionally incapable. As awesome as was Green's task of wooing 100 million people in the direction of such grave matters and at such length, Wiesel's must call forth the weeping of a Sisyphus, for its magnitude is to be measured not in finite numbers of spectators nor even of victims but rather in the realization that it is a task which can never be "done."

James Joyce's *Dedalus* has been reproached for being a purist in his youthful insistence that didactic art, being kinetic, is, like pornography, improper art; he insists that art (or tragedy) must not *move* but on the contrary must *arrest* the mind "in the face of whatsoever is grave and constant in human suffering, and unite it with the secret cause." Thus pure art, arresting the *mind*, may make counterweight to

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the phenomenon of the Eichmanns, characterized according to Hannah Arendt by an astonishing thoughtlessness. As Joyce was by vocation a priest (of art), so is Elie Wiesel a witness (through his arts); these are pure and lofty callings—not chosen or sought—whose nature is sacrifice.

The recent shipment of 10,000 tons of wheat, sponsored by Church World Service, which went to Vietnam from Houston was marked in a ceremony presented on CBS's *Look Up And Live*, May 28. The speeches were brief and moving, as representatives of various donor groups poured out symbolic baskets of wheat. While being moved, and reminded that Americans are capable, perhaps even uniquely capable, of acts of real generosity and concern, one cannot help caviling. This program, *Vietnam Reconciliation* was about us, not about Vietnam. I feel prompted to complain that our TV programming, even in such an instance, is so heavily calculated in terms of potential viewers that a kind of narcissism is fomented. We don't seem to want to take a good look at anyone else in the world, so busy are we exporting the reflection of ourselves in a mirror. But we very much need more of a look at the rest of the world, through more programs like the new PBS series *World*, from Boston's WGBH. It has already afforded us brief looks at Vietnam, Senegal and France, and will go on into the early summer with glimpses of Colombia, India, Britain and North Korea. □

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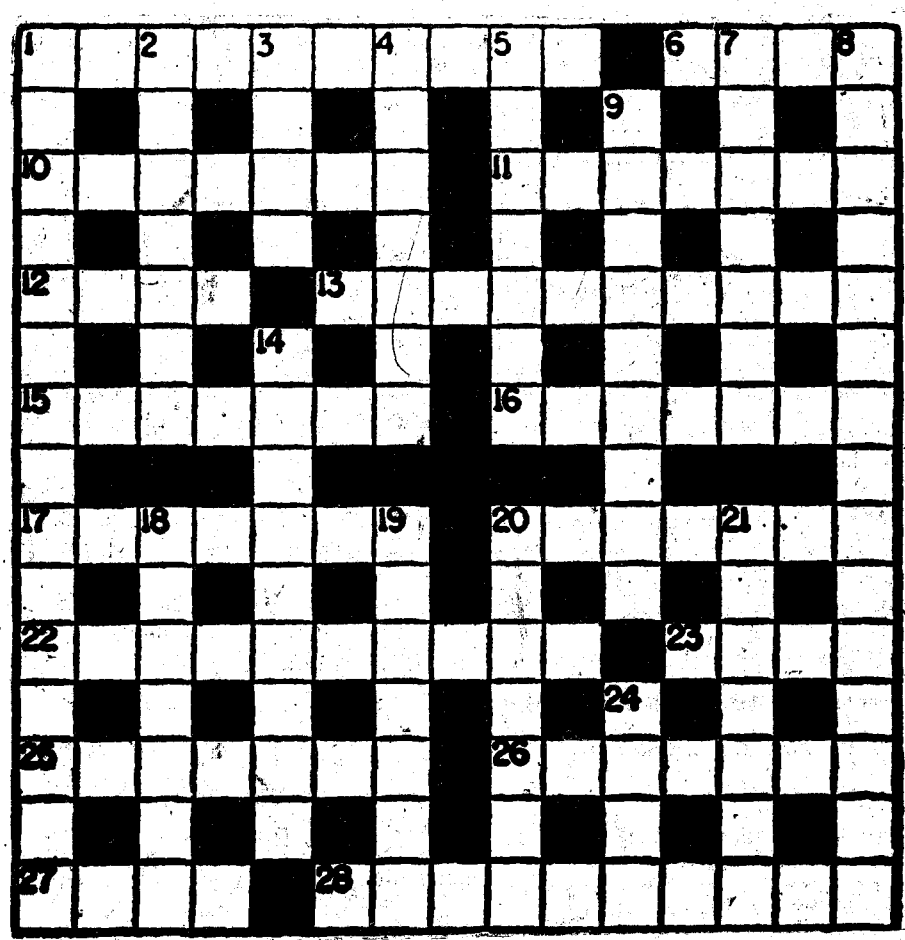

ACROSS

1 They might be dug up, but not as river channels—the wild animal comes back with mixed breeds. (6,4)
6 Possibly a report of what some kids have more than one of. (4)
10 Gave way. (7)
11 It might be honorable, if you don't come first. (7)
12 Don't eat rapidly! (4)
13 Buck is not necessarily 12. (6,4)
15 The best kind of food for pigs on board ship? (7)
16 "Can" and "must" are both necessary to make it—sometimes you hear of the inner type. (7)
17 You involve people this way, re "limbo" perhaps. (7)
20 You might recognize me, Senor, as the one who wrote on such and such. (7)
22 As a sign, where you sometimes find room and also this is open. (5,5)
23 The distinctive speech of a controversial old statesman? (4)
25 It might not be so easy to hit these players. (7)
26 What one might do to light on the turnpike, possibly. (4-3)
27 Is the simple part of one a symbol? (4)
28 One who might hazard a guess, and without initial direction might embezzle. (10)

DOWN

1 The short-tempered might, with a less-than-solid hit, in making out. (3,3,3,6)
2 What anything does before it closes down? (5,2)
3 The purposes of finishes? (4)
4 Does it suggest get-well cards, where you sleep in the corner? (7)
5 Would some consider them feature attractions? (7)
7 One sees life, naturally—but that's its main difficulty. (7)
8 and 18 A dated reference to light-minded males? (9,6,7)
9 How one comes in captures the attention. (9)
14 The sort of caper none expected in the kitchen! (3,6)
18 See 8 down
19 What one does in the reference library when one's name is called? (5,2)
20 The blow-out of a car tire? You can't depend on such things! (7)
21 Runs on one side only, if this. (4-3)
24 Spoken, alternatively, like Mr. Smith. (4)

SOLUTION TO PUZZLE NO. 1731

ACROSS: 1 Never say die; 9 Defender; 10 Unload; 11 and 22 Capital offense; 12 Lassies; 14 League; 15 Untwists; 17 Drop dead; 20 Blouse; 26 Nevada; 27 Leg irons; 28 Forecastles. DOWN: 2 Evening up; 3 End game; 5, 8 and 24 You Can't Take It With You; 6 Isles; 7 Became; 13 Curds; 16 Iron Horse; 18 Rifled; 19 Enslave; 20 Bridget; 21 Spoons; 23 Erato; 25 and 4 Pleasure.

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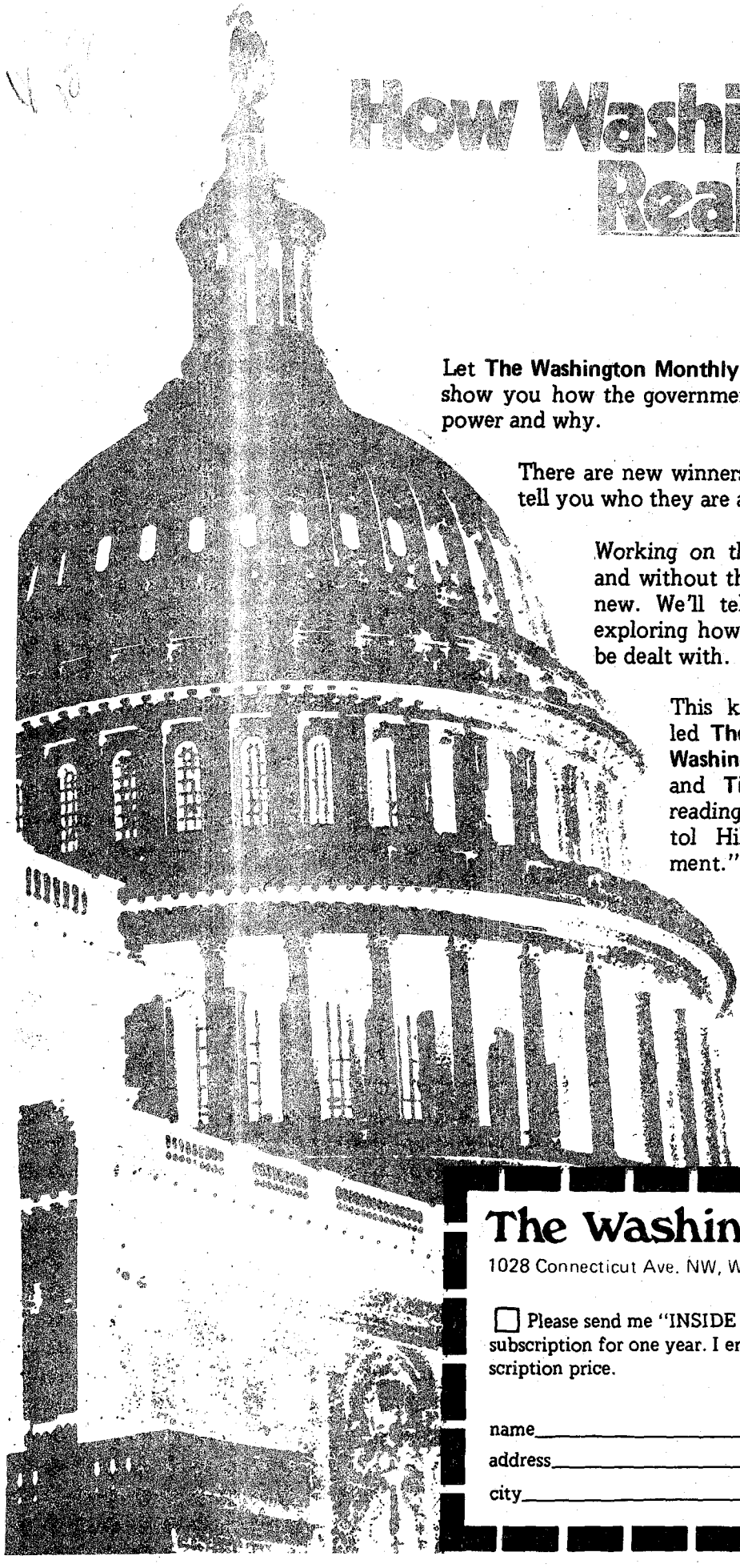

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